

**RELATIONS BETWEEN THE PROVINCE  
AND  
ABORIGINAL PEOPLES  
IN  
PRINCE EDWARD ISLAND**

John Crossley  
Department of Political Studies  
University of Prince Edward Island

March 1995

Relations between the Province and Aboriginal Peoples in  
Prince Edward Island

John Crossley  
Department of Political Studies  
University of Prince Edward Island  
March 1995

**Executive Summary**

The paper describes, explains and assesses the role of the government of Prince Edward Island in Aboriginal policy and affairs, and the relations among Aboriginal and non-aboriginal policy actors in Prince Edward Island. It covers historical as well as contemporary policy development, and touches on all aboriginal and provincial organizations and agencies that are relevant. Federal agencies and agencies in other provinces are discussed infrequently and only in passing. Arguments and analyses are based upon extensive secondary and primary research, including archival research and interviews with many officials in provincial and Aboriginal agencies.

With respect to relations between the colonial government and the Mi'kmaq communities before Confederation, the analysis argues that the colony generally avoided developing policy for aboriginal people. When the colony did reluctantly address what was then called "the Indian problem", it did so much later than did the other Maritime colonies and in a half-hearted way. These conclusions reinforce the findings and arguments of other scholars who have examined the same material.

The paper provides brief descriptions of the various Aboriginal and non-aboriginal organizations and agencies active in the province. The analysis shows that the Aboriginal community is divided and does not work in concert. It also shows that the province has developed only a very small capacity to deal with policy concerns relevant to Aboriginal peoples.

The Province has little to do with the two bands in the province and concentrates its few efforts on the Native Council of Prince Edward Island. Since the mid-1980s, the P.E.I. Government

has been working with the Native Council of P.E.I. and the Department of Indian Affairs to explore ways of building aboriginal self-governance for the province's off-reserve aboriginal community. In addition, during the negotiations on Constitutional renewal from 1987 to 1992, the P.E.I. Government worked closely with the political leaders of the aboriginal communities while developing its position on constitutional renewal.

The examination of the relations between the province and the Mi'kmaq communities after 1873 shows very little provincial government activity directed specifically to the aboriginal citizens of P.E.I. Generally, the provincial government actions that were undertaken were responses to initiatives of the federal government. However, the paper also shows that during this period the province generally (but not always) treated aboriginal citizens in the same way it treated all other citizens.

The final section of the paper examines the possible role of the Province in the development of aboriginal self-government. It argues that it is possible for the Province to help the aboriginal communities create both the economic- and the social-policy base required for self government. The paper recommends that the Province place Aboriginal concerns higher on its policy agenda, develop an institutional structure that will inject Aboriginal concerns into decision-making processes, and recruit more Aboriginal people into the public service. It also argues that simplistic assumptions about the fundamental homogeneity of the Island population need to be examined and, probably, abandoned. However, the paper concludes that the smallness of the province's public service, on-going fiscal constraints, and the provincial government's conviction that all aboriginal people, both on- and off-reserve, are the responsibility of the federal government make it unlikely that the province will act vigorously to promote self-government.

**RELATIONS BETWEEN THE PROVINCE AND ABORIGINAL PEOPLES IN  
PRINCE EDWARD ISLAND  
CONTENTS**

1. Introduction .....	1
2. History .....	4
2.1 Early Contact .....	4
2.2 French Colonization .....	6
2.3 The British Regime and Colonial Prince Edward Island.....	8
2.3.1 The Creation of Reserves .....	10
2.3.2 Protection, Civilization, and Relief of Poverty.....	17
Education.....	21
Relief of Poverty .....	22
3. Present Context.....	26
4. Actors and Processes .....	29
4.1 Native Council of Prince Edward Island .....	30
4.2 Lennox Island Band.....	33
4.3 Abegweit Band .....	35
4.4 Grand Council of the Mi'kmaq Nation .....	37
4.5 Union of New Brunswick and P.E.I. First Nations.....	39
4.6 Aboriginal Women's Association of P.E.I. ....	41
4.7 Relations among Aboriginal Political Organizations .....	42
4.8 Provincial Actors .....	46
4.8.1 Minister Responsible for Native Affairs.....	50
4.8.2 Official Responsible for Native Affairs .....	52
4.9 Government-Aboriginal Relations, Summary .....	55
5. Overview of Governmental Activity.....	56
5.1 Basic Policy Assumption Made by the Province.....	60
5.2 Provincial Initiatives.....	62
5.3 Aboriginal Peoples and the Provincial Elections Act.....	64
5.4 Aboriginal Peoples and the Provincial Sales Tax.....	67
5.5 Provincial Responses to Federal Initiatives .....	68
5.6 Aboriginal Peoples and the Comprehensive Development Plan.....	71
5.7 The Pattern of Provincial Policy Explained.....	73
6. Assessing the Relationship.....	76
6.1 Tripartite Negotiations .....	77
6.2 Creating an Economic Base for Self-government .....	81
6.2.1 Land Claims.....	82
6.2.2 Economic Development.....	84
6.3 Creating a Social-policy Base for Self-government .....	87
7. Conclusion.....	89
Methodology.....	94
Notes .....	96
Bibliography .....	113

## **RELATIONS BETWEEN THE PROVINCE AND ABORIGINAL PEOPLES IN PRINCE EDWARD ISLAND**

### **TABLES**

Table 1: Annual Expenditures, Relief of Mi'kmaq Poverty,  
P.E.I., 1857-1873

Table 2: Band Membership, P.E.I. Bands, May 1993

Table 3: Aboriginal and Total Population 15+ by Total Income,  
showing number and percentage, for Prince Edward Island

Table 4: Summary of Projects and Programs Run by the  
Native Council of Prince Edward Island

Table 5: Indian and Northern Affairs Expenditures,  
Abegweit Band

Table 6: Indian and Northern Affairs Expenditures,  
Lennox Island Band

Table 7: Provincial Agencies and Aboriginal Peoples.  
A Summary

Table 8: P.E.I. Executive Council Grants to the Native  
Council of Prince Edward Island for Constitutional Negotiations

Table 9: Extension of the Electoral Franchise to Status Indians

Relations between the Province and Aboriginal Peoples in  
Prince Edward Island

John Crossley  
Department of Political Studies  
University of Prince Edward Island  
March 1995

**Chronology**

- 1767** Great land lottery: P.E.I. divided into 67 lots, which are subsequently awarded by lot to absentee landlords; the beginning of "the land question" for non-Aboriginal Islanders.
- 1842** Charles Worrell bequests 204 acres to the colony, to be used as an Indian reserve; no reserve was established.
- 1852** P.E.I. Executive Council makes three grants of land for the benefit of the Indians; all this land is subsequently sold to non-Aboriginal settlers.
- 1854** P.E.I. appoints two Indian Commissions; main responsibility is distribution of relief.
- 1856** Colonial Assembly passes An Act Relating to the Indians of Prince Edward Island.
- 1859** Morrell Reserve created as compensation for failure to turn 1842 Worrell bequest into a reserve.
- 1873** Aborigines Protection Society of London, England, purchases Lennox Island to be used as an Indian reserve.
- 1873** P.E.I. enters Confederation.
- 1878** Scotchfort Reserve created.
- 1909** Anti-slavery and Aborigines Protection Society turns over Lennox Island to the Government of Canada in trust for the Indians of Lennox Island.
- 1913** Rocky Point purchased for Lennox Island Band.
- 1963** New P.E.I. Elections Act gives the vote to status Indians living on reserves.
- 1967** Union of New Brunswick and Prince Edward Island Indians formed.
- 1972** Abegweit Band created by splitting Lennox Island Band; Morrell, Scotchfort, and Rocky

- Point reserves attached to the new Band.
- 1973** Founding of P.E.I. chapter (local 17) of the New Brunswick and Prince Edward Island Association of Métis and Non-status Indians (PEIAMNSI).
- 1978** P.E.I. sales tax exemption given to status Indians for items purchased for consumption on reserve.
- 1978** PEIAMNSI becomes the Native Council of Prince Edward Island (NCPEI).
- 1982** Aboriginal Women's Association of Prince Edward Island formed; incorporated in March 1986.
- 1986** First meeting of the P.E.I.-Canada-NCPEI Tri-partite process to negotiate self-government off reserve.
- 1988** P.E.I. bands begin operating under Alternative Funding Arrangements with the Federal Government.
- 1991** P.E.I.-Canada enter "Agreement Respecting Child Welfare Services for Indian Communities".
- 1991** Lennox Island and the Department of Fisheries and Oceans sign Aboriginal fishing agreement.
- 1991** St. John River Valley Tribal Council formed; Lennox Island a member.
- 1992** Atlantic Policy Congress of First Nations Chiefs formed; Lennox Island a member.

Relations between the Province and Aboriginal Peoples in  
Prince Edward Island

John Crossley  
Department of Political Studies  
University of Prince Edward Island  
March 1995

## **1. Introduction**

In 1979, L.F.S. Upton suggested that the Mi'kmaq in Prince Edward Island "were of even less concern to its government than they were in the other Maritime provinces". Although Upton was writing about the period before Confederation, when the Island government had direct jurisdiction with respect to the Mi'kmaq, his conclusion is very likely true of the period since 1867, too. Indeed, the evidence presented in this paper shows that very little policy has been developed relating directly to aboriginal persons in the Island province, and little administrative effort has been devoted to programs for aboriginal persons. However, the evidence also suggests that the cause of this neglect is not as simple as it once was. Historically, the small quantity of land available for settlement, the "peculiar development of the colony, unique in the annals of British imperialism", and a racist political culture were the main determinants of the policies of Island governments toward Aboriginal peoples. More recently, the smallness of the province's public service, fiscal constraints, a widely shared opinion that aboriginal peoples should be treated in the same way that other citizens are treated, and the province's conviction that all aboriginal affairs are the responsibility of the federal government have contributed to the general lack of policy and administration relevant to aboriginal peoples. Sadly, one suspects that much of the province's non-aboriginal population continues to harbour racist attitudes, while more of it is simply ignorant

about aboriginal rights and society. Fortunately, senior decision-makers in the province do not promote racist beliefs. In fact, they are generally supportive of aboriginal rights, although few public officials are well informed about aboriginal rights or issues. Still, aboriginal people, concerns, and rights remain irrelevant to the main provincial policy agenda and to the main stream of decision-making in the province. In an important way, this fact makes the contemporary pattern of policy and the historical experience part of the same basic story.<sup>i</sup>

The pages that follow examine the relationship between the government of Prince Edward Island and the First Nations communities in the province. Following two small introductory and context-setting passages, the paper provides four substantial analyses. The first of these, a review of the historical pattern of public policy, shows that the colony of Prince Edward Island avoided developing policy for aboriginal peoples. It also shows that the few times the colony decided to act in this policy area, it did so much later than did the other maritime colonies, and, generally, in imitation of actions in those other colonies. This historical pattern of policy can be understood as the result of the absence of Crown land in the colony, the irrelevance of aboriginal people to the settler society, and the tendency of the settlers to see themselves as victims of injustice, not the perpetrators of injustice.

The second substantial section of the paper provides brief descriptions of the main aboriginal and governmental actors in the province and analyses the relationships among those actors. The evidence shows a small and quite fragmented group of actors within the aboriginal community, and a tiny and marginalized group of actors within the province. The relationship between the province and the aboriginal community involves only the Native Council of Prince Edward Island.

The third major analytical section of the paper examines provincial public policy affecting aboriginal people after Prince Edward Island entered Confederation in 1873. The main focus is on

policy since 1970. This section examines the basic assumption underlying provincial policy for aboriginal peoples. It then reviews the place of aboriginal issues on the general policy agenda of the province and tells the very short story of provincial initiatives for aboriginal people. Because most provincial activity in this policy area has been the result of provincial response to federal initiatives, the paper examines the federal-provincial context. One idiosyncratic event, the Comprehensive Development Plan of the early 1970s, touched the reserve-based aboriginal community, and this is briefly examined. Throughout this section, the evidence shows a policy environment within which aboriginal peoples and concerns are irrelevant. It also shows a growing awareness of a small group of public officials about aboriginal concerns and rights, especially during the years of Joe Ghiz's governments. Ultimately, however, the evidence shows that the province has done very little in the area of aboriginal policy. The section ends by arguing that the pattern of irrelevance and neglect reflects the political culture of the province and is made possible by the exclusion of aboriginal people and their concerns from the main policy-making processes in the province.

The final section of the paper assesses the relationship between the provincial government and the aboriginal communities in Prince Edward Island. It provides this assessment by examining the potential for aboriginal self-government in Prince Edward Island. This section discusses several factors that might help or hinder the building of self-governing institutions in the province. Emphasis is placed on the nature and extent of the provincial government's support for self-government. The tripartite negotiation process, which is the province's main commitment to self-government, is discussed. Provincial support is found to be weak, largely because of assumptions made by the province about jurisdiction for aboriginal peoples. The section ends with some suggestions for improving the level of support given by the province to the enhancement of aboriginal self-determination in Prince Edward Island.

## **2. History**

Public policy toward aboriginal peoples in Prince Edward Island has been shaped by the same non-aboriginal attitudes that have influenced decision-makers across Canada. In the eighteenth and nineteenth centuries, the colony included individuals who shared each of the competing stereotypes of Euro-North American society: the noble savage, the disappearing Indian, the dishonest and dependent degenerate Indian, the justly defeated wicked and violent savage. However, the attitude that prevailed during the colonial period was one of indifference. Islanders saw themselves as victims of uncaring absentee landlords with their own battles to fight for land rights. The handful of Mi'kmaq were easily ignored, and their plight caused little moral dissonance among those who were already outraged by apparent injustices committed against themselves. Those who believed in the nobility of the primitive savage or the duty of advanced nations to civilize backward races made their arguments in isolation and with little support from their fellow Islanders. The political and bureaucratic elite placed benevolence toward the Mi'kmaq very low on the public policy agenda. As a result of the predominance of an attitude of neglect, policy for aboriginal peoples was but a weak echo of policy developed in other British North American jurisdictions. Island policy actions occurred some time after similar actions in other jurisdictions, and were, invariably, muted and smaller versions of policy elsewhere.

### **2.1. Early Contact**

The politically relevant aboriginal communities in Prince Edward Island are part of the Mi'kmaq nation. Before European colonization of North America, this nation occupied the parts of Canada that we now know as Prince Edward Island, Nova Scotia, central and northern New Brunswick, and part of the Gaspé peninsula. The number of Mi'kmaq that lived in the region before colonization is not clear. L.F.S. Upton pointed out in the late 1970s that estimates of pre-contact Mi'kmaq population ranged from 6,000 to 100,000. A more recent commentator,

Daniel Paul, estimates the Mi'kmaq population in the early 1600s to be larger than 75,000, leading him to conclude that the population before the onset of disease and disruption brought by the Europeans, to be 150,000 to 200,000. The renowned Métis scholar, Olive Dickason, cites recent estimates of pre-contact Mi'kmaq population in the 35,000 area, while historian Douglas Baldwin puts the pre-contact population at 18,000.<sup>ii</sup> The Mi'kmaq did not live in permanent cities in the way Europeans, Aztecs, Incas, or some other civilizations did; rather, they "moved with the seasons in a regular cycle". However, they had "traditional and well-defined sites that they occupied year after year." Several of these sites were on what is now called Prince Edward Island. At least four traditional Mi'kmaq sites have been explored by archaeologists; the north shore of the Island seems to have been an attractive area for the Mi'kmaq.<sup>iii</sup>

Before the Europeans arrived, the Mi'kmaq communities provided a healthy comfortable life for the nation. Shellfish, game, and other products of nature provided food, clothing, and shelter, leading to a life expectancy of about 37 years, "a degree of longevity not attained by Europeans until the nineteenth century". Individuals had a strong sense of responsibility to the community, and the community maintained social cohesion through family and community norms. Decisions were made by consensus, with leadership coming from those men most able to persuade others of the wisdom of their proposals. The position that Europeans came to call "chief" certainly existed -- in fact, there were three levels of chief -- but a chief was more "a trustee for the welfare of his band" than a legislator or chief executive in the European sense. Like all civilizations, the Mi'kmaq adhered to a set of religious, spiritual, and moral beliefs that provided answers about the purpose of the world, the mysteries of life and death, and the relationship between themselves and other beings. The nation "lived harmoniously in small groups" and saw itself as part of the natural order in which humans were "only one part of a totally interdependent system that saw all things, animate and inanimate, in their proper places."<sup>iv</sup>

In 1534 Jacques Cartier sailed to what is now Atlantic Canada. On June 29, he sighted what we call Prince Edward Island and spent two days exploring the north shore.<sup>v</sup> This visit was the beginning of the rapid decline of the Mi'kmaq nation.<sup>vi</sup> Because of the introduction of European disease and the disruption of the traditional diet, the number of Mi'kmaq declined to roughly 3,000 people by the end of the period of European colonial warfare.<sup>vii</sup> The economy of the nation was first distorted and then destroyed by European colonization. Mi'kmaq land was taken by Europeans. Deliberate government policy disrupted the political, religious, social, family, and psychological bases of Mi'kmaq life. Both the Mi'kmaq and the colonizers have been dealing with the consequences of the destruction of this aboriginal nation for almost 500 years.

## **2.2. French Colonization**

"When Cartier visited the Baie des Chaleurs in 1534, the local Micmacs showed their familiarity with French ways by welcoming the visitors enthusiastically to trade while sending their young women to hide in the woods."<sup>viii</sup>

The first colonizers to seriously affect the Mi'kmaq nation were the French.<sup>ix</sup> For the first two centuries of contact with the French, the primary effects on the Mi'kmaq were produced by disease, the fur trade, the Roman Catholic Church, and inter-colonial warfare. European diseases devastated the population, while the French quest for furs transformed the traditional economy of the Mi'kmaq into an economy geared toward the gathering and trading of fur. Roman Catholic missionaries, working among the Mi'kmaq during this period of "almost permanent crisis", "made tribal identity and allegiance to Roman Catholicism seem virtually inseparable".<sup>x</sup> Indeed, Roman Catholicism remains central to Mi'kmaq national identity. Beyond the search for furs and souls, the French sought military alliance with the Mi'kmaq nations during the lengthy British-French struggle for European and colonial superiority.

Because the French sought furs not, principally, settlement, their approach to the Mi'kmaq

peoples was more tolerant of natives' rights than was the approach of the British. In part, this tolerance reflected a lack of power to force the Mi'kmaq to change, a lack of power that was part and parcel of the lack of settlers.<sup>xi</sup> More important than their small numbers, however, was the lack of motivation among the French to force change on the Mi'kmaq. The French did not seek to remove the Mi'kmaq from their land in order to establish a petite bourgeois agricultural settlement because they were interested primarily in furs and fish. For the same reason, they did not seek to recruit the Mi'kmaq into forced labour on plantations or in mines. The French economic motives that were bundled with the fur trade encouraged a perpetuation of much of the traditional life of the Mi'kmaq while the motives that drove the fishery allowed the toleration of traditional Mi'kmaq ways.<sup>xii</sup> Because the French were not immediately hopeful of establishing permanent European settlements, they were more tolerant of the Mi'kmaq language and even of intermarriage between Europeans and Mi'kmaq than were the British. In general, then, the French policy toward the Mi'kmaq was less destructive of aboriginal life and society than the British, and the French colonizers appear to have been more acceptable to the Mi'kmaq than were the British.<sup>xiii</sup> From the Mi'kmaq point of view, of course, the coastal settlements of the French could be ignored and the traditional ways preserved. The Mi'kmaq could choose to cooperate with the French.<sup>xiv</sup>

In Prince Edward Island, the fur trade was never a major economic activity. The Mi'kmaq on the Island were valuable military allies to the French, helping protect the eastern approaches to Canada, but the Island itself was of little interest to the French. Even the arrival in the 1720s of permanent Acadian settlements did not have a profound affect on the culture or society of the Mi'kmaq. "By this time, the Mi'kmaq had been converted to Catholicism, and had proved themselves loyal allies of the French..."<sup>xv</sup>, but the settlers "were primarily interested in the fisheries and so did not interfere with the seasonal migrations of the Indians."<sup>xvi</sup> The relationship between the Mi'kmaq and the French on the Island appears to have been a relatively friendly one, in part

because Acadian settlement, at its peak, reached only 5,000 people, and most of those were concentrated in a few areas.

### **2.3. The British Regime and Colonial Prince Edward Island**

From 1613 to 1763, British policy towards and relations with the Mi'kmaq were shaped by the almost constant conflict and warfare between the British and the French. The French succeeded in cementing alliances with the natives "by giving them gifts while inciting them to commit hostile acts against the English." The British responded with force and death:

English attempts at genocide took various forms: they served poisoned food to the Indians at a feast in 1712; they deliberately traded contaminated cloth to some Micmac in 1745, setting off an epidemic which caused the deaths of several hundred Indians; they had groups of English soldiers roaming Nova Scotia, murdering Indians without regard to sex or age and destroying camps wherever they found them. The English even imported a company of Mohawk Indians and another of New England Algonquians, both traditional enemies of the Micmac, in order to track down and kill Micmac. All these tactics cost the lives of an unspecified number of Micmac.<sup>xvii</sup>

The British also responded by adapting the European expedient of the peace treaty, leading to the signing of a number of "articles of surrender and submission" in what is now Maritime Canada and New England. In the 1740s, the British introduced a permanent bureaucracy to deal with the 'Indian problems' in North America. Finally, with the end of the British-French imperial war in the 1760s, the British introduced, through the Royal Proclamation of 1763, a centralized Indian policy that gave the Crown control over the taking of Indian lands, and thus, control over the pace and direction of colonial expansion.<sup>xviii</sup> Over time, British and, then, Canadian policy makers developed Indian policies designed to effect a number of ends. Initially, they sought to facilitate the basic military and economic goals of European colonization by reducing the military threat posed by the aboriginal population, by taking the land from the Indians, and by removing the Indians from economic competition with settlers. Once this goal was achieved, policy-makers

adapted and developed instruments intended to remake the psychology, society, economy, religion, morality, and government of the aboriginal people on an idealized European model. Finally, because attempts to achieve the first two goals so disrupted many aboriginal societies, policy makers introduced means to relieve the worst ravages of poverty in aboriginal communities.<sup>xix</sup>

By the time European settlement began in earnest in Prince Edward Island, neither colonial governors nor local legislatures found it necessary to develop policy to facilitate colonization. European disease, military force, and trade had severely reduced the number of Mi'kmaq<sup>xx</sup> and made the remaining aboriginal population dependent upon European economic activity. Furthermore, because the entire Island was allocated to absentee landlord in 1767, there was little pressure from petite bourgeois settlers for the removal of the Mi'kmaq to reserves. As one observer noted in 1829, "they form no obstacle to the progress of the settlers, before the effects of whose industry, they are perceptibly dwindling away".<sup>xxi</sup> Nor was there Crown land readily available for reserves, should decision makers have wanted to isolate the aboriginal population from competition and contact with the settlers. In essence, the Mi'kmaq were not a serious threat to European settlement in Prince Edward Island. They "were looked upon as a people whose future was of no consequence to the victorious colonial power."<sup>xxii</sup>

### **2.3.1 The Creation of Reserves**

In the absence of strong economic and settlement pressures to develop an Indian policy that would remove the Mi'kmaq from competition with the colonizing society, there was little incentive for the colonial government to establish reserves for the Mi'kmaq. Elsewhere, reserves were established both to facilitate the establishment of the European society and to provide an isolated location where the policies of civilization -- education, agriculture, Christianization -- could be applied. In Prince Edward Island, however, reserves were established only very reluctantly. To a large extent, the reluctance to establish reserves grew out of the unique way the British disposed of

the land in Prince Edward Island. In 1764 Samuel Holland arrived on the island to begin a survey of the new British acquisition. He divided the Island into 67 townships, or lots, of about 8,000 hectares each. On 23 July 1767, in London, the names of about 100 applicants for land were placed in a box and a lottery was held to allocate the land in Prince Edward Island. The entire island was given away, except lot 66, which was reserved by the Crown, and a few "royalties" intended for county capitals, schools, and churches. This lottery dominated Island politics until the 1890s, as tenants and government struggled with "the land question" and sought to displace the absentee landlords. To this day, the political culture of the province is influenced by memories of the struggle for petite bourgeois ownership of land.

Given the way the land in Prince Edward Island was allocated, it was not possible for colonial officials to do what was done elsewhere to create reserves, allocate Crown land for the purpose. There was no Crown Land in Prince Edward Island. Indeed, to this day, many Prince Edward Islanders excuse the historical treatment of aboriginal peoples by pointing to the absence of Crown Land that could be used for reserves. However, the historical record shows that other opportunities presented themselves to establish reserves, and the Legislative Assembly and Executive Council repeatedly ducked these opportunities or failed to protect land that they did reserve for the Mi'kmaq.

The most famous, or notorious, episodes concerning the establishment of reserves in Prince Edward Island involve the creation of the Lennox Island reserve. It is not possible in a paper of this length to tell the entire story of the creation of Lennox Island as an Indian reserve. However, a brief summary shows both the reluctance of colonial officials to become involved in aboriginal affairs, and the relief of those same officials when someone else assumed responsibility for the aboriginal peoples.

From the beginning of the British regime in the colony, Lennox Island had been the site of

choice whenever the question of establishing an Indian reserve was raised and by 1800 the nucleus of a Mi'kmaq community was firmly established on Lennox Island. The attraction of Lennox Island had been first felt by the colony's first British Lieutenant-Governor, Edmund Fanning. Almost as soon as the great land lottery of 1767 was concluded, Fanning began to receive petitions from the Mi'kmaq "for lands of their own with access to the water". Fanning was attracted to the idea of settling the Indians on a small off-shore Island, which would ensure their isolation and protection from the undesirable influences of the settler society. As luck would have it, such an island, Lennox Island, had been overlooked in the 1767 lottery and was attached to Lot 12 only in 1772. "Fanning wrote to [the owner of Lot 12, Sir James] Montgomery, who gave his permission for the Indians to reside on the island and offered to sell it for ,300."<sup>xxiii</sup> Fanning did not, however, purchase the island, but encouraged a number of Mi'kmaq families to settle there.

Once the Mi'kmaq community was established on Lennox Island, attention continued to focus on it as a likely site for an Indian reserve.<sup>xxiv</sup> The Legislative Assembly addressed the question of establishing a reserve there in 1831, when it struck a committee to examine the cost of acquiring Lennox Island from its owner in Britain. This committee led to no action. In 1840, the Legislature again considered purchasing Lennox Island, in response to a letter from the Lieutenant Governor of P.E.I, who had himself received a letter about Lennox Island from the Secretary of State for the colonies, who had, in turn been petitioned by the Mi'kmaq and, on behalf of the Mi'kmaq, by powerful individuals in London. The Secretary of State for the Colonies indicated that the owner of Lennox Island, Mr D. Stewart, was willing to sell it to the colony for ,1,500 (although he had recently purchased it for only ,400). The Assembly found the price too high and did nothing. Finally, in the 1860s, Mr Theophilus Stewart, one of the colony's Indian Commissioners and the most outstanding advocate for the Indians in the colony, got the agreement of D. Stewart's son, Robert, to sell Lennox Island to the colony for only ,400. The Assembly

declined the offer. Finally, Theophilus Stewart decided to look for private backing for the purchase of Lennox Island. He found such backing in the Aborigines Protection Society in London, which raised the purchase price of the island in Britain, purchased the island, and established a trust to operate Lennox Island as an Indian reserve. From 1873 to 1912, Lennox Island was owned by the Aborigines Protection Society (after 1909 called the Anti-slavery and Aborigines Protection Society), although it was administered by the Canadian Department of Indian Affairs. On 12 June 1912, after spending the better part of a year seeking the approval of the surviving three members of the fifteen-member Board of Trustees for Lennox Island, the Government of Canada assumed ownership of the Lennox Island Indian Reserve in trust for the Indians of the Lennox Island band; it became, in other words, an Indian reserve like other Indian reserves.<sup>xxv</sup>

Once the Lennox Island question was settled by someone else, colonial officials quickly proceeded to ignore the Mi'kmaq settled there. We will see below that little effort was made to provide education or welfare services for the Mi'kmaq of Lennox Island. In addition, in 1871, the colonial legislature passed a law regulating fisheries. This law would have allowed for the sale of rights to fish the oyster beds in Lennox Channel. That the legislature would pass such a law without considering the interests of the Mi'kmaq community on Lennox Island speaks volumes about the irrelevance of the Mi'kmaq to the dominant society. However, the reaction of the Aborigines Protection Society testifies to the power of that group in Great Britain. The Society petitioned Downing Street on behalf of the Mi'kmaq, complaining that Mi'kmaq access to the oyster beds would be lost if the colonial law was allowed to stand. Almost immediately, the Secretary of State for the Colonies wrote to the Lieutenant Governor in Charlottetown asking that Royal Assent to the Act be postponed while the Colonial Office reviewed the situation. London made it clear that it was considering disallowing the provincial legislation, so the Legislative Assembly repealed

the sections of the Act relating to Lennox Channel. Without support from powerful people in Britain, the Lennox Island Mi'kmaq would have permanently lost access to those oyster beds.<sup>xxvi</sup>

Colonial officials in Prince Edward Island were not always as reluctant to consider establishing Indian reserves as they appeared to be in the case of Lennox Island. However, they were reluctant to spend very much money on reserves or to protect reserves once they were established. Thus, in 1843, the Committee of Supply passed a motion to allocate , 50 for the purchase of Indian Island in Murray Harbour (on Prince Edward Island's east coast) as an Indian reserve but there is no record of this expenditure being made. Almost two decades later, in 1861, the Assembly received a petition from Peter Francis "and other Micmacs" complaining about the loss of Indian Island, which had occurred around 1847 and caused great poverty and suffering. The Mi'kmaq wanted to reoccupy Indian Island. After referring the question to another committee, and finding out that Indian Island was going to cost , 400 plus the 1862 hay crop, the Assembly let the matter drop.<sup>xxvii</sup>

Another attempt to establish Indian reserves in Prince Edward Island occurred in 1852 when the Executive Council made two grants of land, of 93 acres each, in Lot 55 (on the west shore, north of Georgetown) and one grant of 400 acres in Lot 15 (on the south shore, west of Summerside).<sup>xxviii</sup> Little appears to have been done with these lands; in fact, the land in Lot 55 was of poor quality and the somewhat better land in Lot 15 "was quickly taken over by whites".<sup>xxix</sup> In 1856, one of the farm plots in lot 55 "was sold by the sheriff of Kings county to the commissioner of Crown and public lands for land assessment".<sup>xxx</sup> Finally, in 1866 Indian Commissioner Theophilus Stewart recommended that these lands be sold to raise money to be spent "for Indian purposes",<sup>xxxi</sup> by which he undoubtedly meant the purchase of Lennox Island, for which he was working very hard at the time. The Assembly readily agreed to the disposal of the land reserved in lots 55 and 15, with the revenue to be used for the benefit of the Indians.<sup>xxxii</sup> It

recommended this to the Lieutenant Governor-in-Council, who was "pleased to comply".<sup>xxxiii</sup> However, no more land was bought and the Executive Council took "care to deposit the proceeds of such Land in the Public Treasury, thence to be drawn by Warrant of Lieutenant Governor or other administrators of the Government for Indian Purposes."<sup>xxxiv</sup> In the absence of a separate "Indian fund" this money was absorbed into the general revenue of the colony and spent for purposes other than Indian affairs. (In fact, the records of the sales were so shoddily kept that it is impossible to know how much money was raised, let alone on what it was spent.<sup>xxxv</sup>)

A fourth brush with the issue of Indian reserves occurred in the Assembly in 1858. In 1842, a free gift of 204 acres had been made by the estate of Charles Worrell, on the assumption that the land would be used as an Indian reserve. Sixteen years later, the Island government had taken no steps to establish a reserve on that land, causing the Indian Commissioners, Theophilus Stewart and Henry Palmer, to petition the Legislative Assembly to "[establish] certain Indian families on land originally designed for them by the then Proprietor, the late Charles Worrell, Esquire."<sup>xxxvi</sup> This petition was referred to a special committee of the Assembly, which reported on 29 March 1858 that it would not be possible to establish a Mi'kmaq community on this land since the land was already in the hands "of another class of settlers". In fact, "Irish immigrants squatted on these lands."<sup>xxxvii</sup> In 1859, to compensate for the loss of that land, the Commissioner of Public Lands for the colony, John Aldus, acting on the direction of the Assembly,<sup>xxxviii</sup> transferred ownership, upon a token payment of one shilling, of roughly 204 acres of land in township number 39 to Indian Commissioners Henry Palmer and Theophilus Stewart, to be used by those Commissioners "and their successors" for the benefit of the Indians "and to no other use, intent or purpose whatsoever".<sup>xxxix</sup> This block of land became what is now called the Morell Reserve. It was the only proper land grant for an Indian reserve made in Prince Edward Island.

In spite of the creation of the Morell reserve, concern over the loss of the Worrell Estate

lands continued. In the 1870s, after Prince Edward Island had entered Confederation, it was found that the land set aside at Morell was fifteen acres short, being only 189, not 204 acres in size. It was also concluded that ninety of the acres at Morell were barren. To compensate for the shortage and uselessness of much of the Morell reserve, and additional 1682 acres in Lot 36 (at the northern extremity of the Hillsborough River) were transferred in 1878 to the Department of Indian Affairs in trust for the Island's Mi'kmaq. Thus, the current Scotchfort Reserve was created.<sup>x1</sup>

The final episode involving land for the Mi'kmaq before Confederation was a petition from James Louis "and other native Indians", which was presented to the Legislative Assembly on 7 May 1866. This petition asked for a grant of land to compensate a number of Mi'kmaq families that had lost the use of ten acres of land on the east side of the entrance to Charlottetown Harbour. The use of this land by the Mi'kmaq had been arranged by Indian Commissioner Henry Palmer in 1856 or 1857, who had borrowed the land from the Board of Ordinance.<sup>xli</sup> Palmer and his fellow Commissioner, Theophilus Stewart, regarded the settlement of Mi'kmaq families on this land as something of an experiment in the development of agriculture among the Indians, and the Commissioners spent a great deal of time helping the families get settled.<sup>xlii</sup> In the decade after the loan of the land, "eleven branches of the Louis and Mitchell families" had settled on surveyed lots on the land and built their own access road. They produced a number of excellent crops of potatoes before the Government reclaimed the land.<sup>xliii</sup> Where the Mi'kmaq had lived and farmed, the province had built "a fever hospital". The 1866 petition from the two families was initially referred to a committee of the Assembly for consideration, but the committee was discharged without having reported.<sup>xliv</sup> The families were not compensated for their loss or for the improvements that they had made to the land.

It is evident, from the several allocations of land for Indians and from other opportunities to allocate land for Indians, that the lack of Crown land in Prince Edward Island was not a significant

obstacle to the establishment of Indian reserves. The main obstacle was the reluctance of the government to devote more than the tiniest amount of money for the acquisition of land. To this basic obstacle was added the willingness of the government to take back land used by Indians for other government purposes. Finally, the government refused to act against any non-aboriginal squatters who usurped the best land set aside for the Mi'kmaq. In sum, successive governments in colonial Prince Edward Island simply did not care enough about the Mi'kmaq to establish and protect Indian reserves.

To end the story of the development of the Indian reserves in Prince Edward Island, we should note that the Rocky Point reserve, seven acres located on the southwest of Charlottetown Harbour, was purchased for the Lennox Island Band by the Federal Government in 1913. These seven acres were the only reserve land in the province that were acquired by the federal government, the rest having been acquired or set aside under imperial administration. When Rocky Point was added to the other reserves, the province ended up with 0.1% of its area allocated as Indian reserves, which, in 1986, amounted to roughly 2 acres per registered Indian in the Province. By comparison, Indian reserves account for 0.2% of the area in each of New Brunswick and Nova Scotia, but only 0.002% in Newfoundland. In New Brunswick, reserve land amounts to six acres per Indian, in Nova Scotia 2 acres, and in Newfoundland 1 acre per Indian.<sup>xlv</sup>

### **2.3.2 Protection, Civilization, and Relief of Poverty**

In some other provinces, when the original colonization purposes of Indian policy had been achieved, decision-makers shifted their attention to the development of instruments intended to assimilate the Indians by "civilizing" them into European ways while protecting them from the undesirable aspects of European life, such as alcohol and gambling, to which Indians were believed to be particularly susceptible. Initially, the attempt to re-make the aboriginal peoples reflected the adoption of this aim by colonial authorities in Britain and was carried to British North America by

governors and lieutenant governors. For a variety of pragmatic reasons, before Confederation, the adoption of the policy of civilizing the Indians was more enthusiastic in some places than in others.<sup>xlvi</sup> Perhaps no where was enthusiasm as low as in Prince Edward Island.

At no time did the legislature of Prince Edward Island seriously consider introducing a policy of tutelage and civilization in order to "elevate" the Indians to a level equal with Europeans. Certainly, governors appointed by the Crown brought with them instructions for the application of imperial policy, but the legislature refused to provide the money necessary to implement a policy of protecting and civilizing the Mi'kmaq. Legislators talked about the civilizing virtues of agriculture, and espoused the transformation of the Mi'kmaq into settled tillers of the soil, but they offered neither material assistance nor instruction to effect this transformation.<sup>xlvii</sup> Nor was the legislature particularly concerned about protecting the Indians from the evils of the dominant society. In 1860, the Indian Commissioners for the colony, Theophilus Stewart and Henry Palmer, petitioned the Assembly calling for legislation allowing prosecution of people who sell or give alcohol to Indians. The petition also called for legislation making it difficult for Indians to become indebted to non-Indians.<sup>xlviii</sup> These types of protection of Indians were common in other jurisdictions, and became part of the Indian Acts of Canada after Confederation. However, in Prince Edward Island, the only legislative provision was section XIII of the Act regulating the sale of "intoxicating, spirituous, or other liquors", which made it illegal for any person to sell or give alcohol to any indian, "without a certificate from a clergyman or medical man".<sup>xlix</sup>

In general, the affairs of the Mi'kmaq were raised infrequently in the Legislative Assembly. When they were raised, it was often as a result of the activities of one of the two great activists for Mi'kmaq interests, Thomas Irwin or Theophilus Stewart. Stewart became an Indian Commissioner, and his activities are mentioned several times in this paper. Irwin was an advocate for preserving the Mi'kmaq language who unsuccessfully approached the legislature a number of

times seeking financial assistance to publish a Mi'kmaq grammar that he had written.<sup>1</sup>

Only when it became evident to Island legislators that they were out of step with the other British North American colonies did they initiate policy. In 1856, "reluctantly following the lead of Nova Scotia and New Brunswick"<sup>li</sup>, the legislature passed an Act Relating to the Indians of Prince Edward Island. It should be emphasised that even by the shoddy standards in the maritime region, 1856 was very late for the colony to be establishing legislative and administrative bases for Indian policy. In Nova Scotia a Superintendent of Indian Affairs for the Province and a number of local Assistant Superintendents were appointed in 1774. That province took control of Indian Administration in 1778 and, although that administration was haphazard and troubled, it encouraged agriculture and established reserves (upon petition from Mi'kmaq communities) before the end of the eighteenth century. In fact, by 1800, Nova Scotia was embarked upon its first commission of inquiry into Indian affairs in the province and in 1842 it passed legislation to provide for "the instruction" of Indians.<sup>lii</sup> Similarly, in New Brunswick reserves were set aside in response to Mi'kmaq petitions as early as 1789, and the colony debated throughout the 1840s the wisdom of pursuing a policy of "assimilation by way of 'civilization' through agriculture".<sup>liii</sup>

The 1856 Act in Prince Edward Island was a most ironic piece of legislation in that it set out "to protect the Indians in the possession of any lands now belonging to them".<sup>liv</sup> It empowered the Lieutenant Governor in Council to appoint commissioners for Indian Affairs, and mandated those commissioners, should they be appointed, to supervise and manage the land in any Indian reserve that existed or might be created later and to prevent encroachment or trespass upon such reserves. The commissioners were also directed by the Act to encourage "the permanent settlement and instruction" of the Indians and to help them acquire "implements and stock". The only Indian land that had been set aside and might be in need of protection under this Act were the three plots in Lots 15 and 55. For a few years, these plots were protected from encroachment by settlers and

squatters,<sup>lv</sup> but, as we have seen above, this protection was temporary and these plots passed into non-Indian hands. Furthermore, as we have seen, before and after the Act was passed, the Legislative Assembly repeatedly resisted the creation of Indian reserves that might benefit from such protection. It also refused to appropriate funds for the settlement and instruction of the Indians. In practice, the commissioners of Indian affairs were responsible for the distribution of relief to extremely destitute Indians.

Although the legislative ground for their activities was not created until 1856, two Indian Commissioners had been operating in the province since at least 1854. The two took significantly different approaches to their positions. Henry Palmer, "a noted philanthropist and a typical Victorian society man" was an advocate of encouraging the Mi'kmaq to become self-sufficient; he was reluctant to provide money or rations to destitute Indians. Theophilus Stewart, on the other hand, was an advocate for Mi'kmaq rights and for a policy of assimilating the Mi'kmaq by a program of planned 'civilization'. Stewart was also generous with relief money and often overspent his annual appropriation.

For our understanding of relations between the Mi'kmaq and the government of Prince Edward Island, Palmer can be taken as the embodiment of the typical attitude of the governing class: he had little interest in the condition of the Mi'kmaq and could see no compelling reason for the government to embark upon an ambitious body of policy, administration, and expenditure. Stewart, on the other hand, while atypical of his society, had a large influence on the relations between the government and the Mi'kmaq. Stewart became the principal advocate of Mi'kmaq rights, and argued at every opportunity and in every forum for increased expenditure on Indian affairs and for a policy of education and improvement for the Mi'kmaq. Most important, Stewart was a central figure in the creation of the Lennox Island Reserve.<sup>lvi</sup>

\* \* \* \* \*

The reluctance of the Prince Edward Island legislature to support a policy of civilization of the Indians is shown in its approach to the education of the Indians. Elsewhere in Canada, education was believed to be the primary instrument for the transformation of the Indians. However, in Prince Edward Island, little was done to educate the Mi'kmaq. In 1840, while rejecting a petition from Thomas Irwin for financial assistance to publish school books in the Mi'kmaq language, a committee of the Assembly recommended that £50 be set aside to support any schoolmaster who had furnished any one Indian with elementary books in English and educated that Indian for not less than six months. Such enterprising teachers were to be paid twenty shillings per Indian pupil for the first six months and thirty shillings per Indian pupil for each subsequent six month period. The committee claimed that this recommendation would help "incite the Aborigines to embrace the habits of industry ... and fit them for a civilized life".<sup>lvii</sup> However, the Committee of Supply voted only £30 to be set aside as recommended by the special committee, possibly because they also voted £20 to a Reverend Mr Perry to help build the Indian Chapel on Lennox Island.<sup>lviii</sup> The report on expenditures for the fiscal year shows no claims against the £30 Indian education money.

In fact, remarkably little was spent on education for the Mi'kmaq in the years before Confederation. In 1842-43 the Report on Expenditures notes under "education" that £4.10 was paid for "tuition of 3 Indian Children for 6 months". The total amount spent on education that year was £1207.6, making the expenditure on Indian education 0.003% of the total.<sup>lix</sup> For the following fiscal year, £15 was set aside for instruction of the Indians.<sup>lx</sup> In 1846, £2, 10 shillings were voted to the Ladies Benevolent Society for the education of two "female Aborigines currently under tuition of Miss Jane Douglas of St. Peter's".<sup>lxi</sup> In 1848, £2 was voted to John Jardine, Esquire, "for expenses incurred in education of Millicent Mitchel, a native Indian girl of St. Peter's".<sup>lxii</sup> Finally, in 1869, the Assembly voted £75 to be spent in the 1869-70 fiscal year for the support of an "Indian

teacher, Lennox Island<sup>lxiii</sup>. This teacher received a favourable report the following year from the colony's Visitors of Schools. However, the teacher was holding classes in his own house, and the Visitors recommended that a proper school be build.<sup>lxiv</sup> In 1870 MLA H.P Sinclair argued that the grant for Indian education should be enlarged to permit the building of such a school on Lennox Island, but the Minister responsible for education argued against this, claiming that the Mi'kmaq were not the original owners of the land and, therefore, had no special rights. (The Minister believed that the Mi'kmaq had displaced a previous aboriginal nation, thus, in his opinion, invalidating any claims they might make to rights or privileges arising from their aboriginal occupation of the land.<sup>lxv</sup>) Rather than build proper school facilities on Lennox Island, the province allowed the school to close in 1873. In that same year, the federal government became responsible for the education of Indians at Lennox Island and the province no longer felt obliged -- even in a small way -- to consider the education of the Mi'kmaq. The Department of Indian Affairs reopened the Lennox Island school in 1874 and built a new school house in 1875.<sup>lxvi</sup>

\* \* \* \* \*

If we set aside the petitions of Thomas Irwin and the debates surrounding the establishment of Indian reserves, the main item involving the Mi'kmaq that captured the reluctant attention of the colonial government was poverty and the granting of money to relieve that poverty. Indeed, the public policy record contains very few references to the Mi'kmaq until the 1830s, when poverty was so extreme among the Mi'kmaq that they petitioned the Legislative Assembly for assistance.<sup>lxvii</sup> Their petition was rejected. However, the colonial Assembly never developed a firm policy to guide the payment of relief, nor did it institutionalize such payments in a government bureaucracy. Furthermore, the colonial government made a clear distinction between "paupers" and "aged and indigent Indians", treating them as quite distinct populations for purposes of public policy and public administration.<sup>lxviii</sup> The important feature of poor Indians was their Indianness, not their

poverty. Ad hocery was the principle that guided Indian relief in Prince Edward Island before Confederation. This ad hocery was driven by a profound ignorance about the Mi'kmaq and a determined reluctance to become involved in expenditures on Indians.

Before the Indian Commissioners were appointed in the 1850s, the general practice of the Assembly was to vote relief only in response to direct petitions.<sup>lxi</sup> In 1854, however, the administration of relief payments temporarily became more systematic. In that year, when Alic Mitchell petitioned for relief for himself and his family due to the severity of the previous winter, the Committee of Supply voted £7 for relief of this family, but allocated that money to the Indian Commissioners.<sup>lxx</sup> The following year, Indian Commissioner Theophilus Stewart requested a grant that he could spend at his own discretion for relief of "aged and destitute Indians".<sup>lxxi</sup> The Committee of Supply voted £25 to the Indian Commissioners "for the benefit of indigent Indians in this Island".<sup>lxxii</sup> For a number of years, although petitions from destitute Indians continued to be received by the Assembly, payment of relief was usually made through the Indian Commissioners.<sup>lxxiii</sup>

Administering relief through the Indian Commissioners proved to be a costly approach for the Legislature, largely because one of the two Commissioners, Theophilus Stewart, repeatedly over spent his allocation. In fact, this began almost immediately. In 1857, the Assembly voted £25/16/2 to the Indian Commissioners for relief paid to Indians during the previous year. In addition to this, the Assembly voted £60 for relief of Indians in the new fiscal year.<sup>lxxiv</sup> In 1858, the Assembly voted £54/16/0 to cover only the over expenditures of Theophilus Stewart on relief of Indians during the previous year.<sup>lxxv</sup> Not surprisingly, the Assembly was upset at Stewart's apparent disregard of frugality. They responded to the over payments by reducing the annual appropriation for pauper Indians to £25, which was raised to £30 in 1861. Stewart, however, continued to over spend.<sup>lxxvi</sup> (The reduction in expenditures on relief of Indian poverty coincided

with the election of a Conservative government in 1859. This government was of the official belief that Indian aid was "good money thrown away, as it was productive of no good results. It only encouraged the habit of being dependent and retarded the attempt of self support." In other words, it favoured the approach of Henry Palmer over that of Theophilus Stewart, which is not surprising given that the leader of the Conservative Party was Henry Palmer's brother, Edward.<sup>lxxvii</sup>)

Finally, in 1861, the Assembly removed the granting of relief from the mandate of the Indian Commissioners. A Committee on Paupers and Lunatics recommended that funds for pauper Indians, like funds to support other paupers and lunatics, be given to specific members of the clergy and specific benevolent societies. No money was voted to the Indian Commissioners for relief of Indians.<sup>lxxviii</sup> In their "Reports on Indian Affairs" for 1861<sup>lxxix</sup>, both Indian Commissioners addressed the matter of funding for relief. Stewart's report quoted M.H. Perley of New Brunswick on the importance of public expenditures for the improvement of the Indians and called for government support for agriculture on Lennox Island. Henry Palmer, on the other hand, undercut Stewart and invited the Assembly to terminate funding for relief of poverty among the Indians. Palmer argued that "Mr Stewart has received upwards of , 40 during the past year, over half of that amount has, in my opinion, been quite thrown away". With respect to the general policy of relief, Palmer argued "I clearly see the more you attempt to support Indians by furnishing either provisions or clothing, the worse they are". These reports were referred to a special committee of the Assembly, which was charged with examining expenditures by Theophilus Stewart.<sup>lxxx</sup> In the end, the Committee of Supply voted £30 for relief of indigent Indians, but allocated it to three ministers of the cloth, one for each county, to be administered as they thought necessary.<sup>lxxxi</sup> One modern research refers to this as the blacklisting of the Indian Commissioners from the legislative grant.<sup>lxxxii</sup>

During the next decade, before the Canadian government took over responsibility for Indians, indigent and otherwise, the Assembly continued its practice of voting ad hoc amounts for

relief of "pauper Indians", and the Executive Council at least once authorized an extraordinary expenditure for relief of certain Indians.<sup>lxxxiii</sup> In the late 1860s, with the settlement of the Lennox Island issue imminent and with the election of a new government headed by George Coles, a long-time supporter of the Native Benevolent Society,<sup>lxxxiv</sup> the Assembly became more generous and settled on the annual amount of £100 for Indian affairs. Theophilus Stewart was again allowed to disburse the relief payments and, of course, he once again spent more than he had been allocated.<sup>lxxxv</sup> However, having won the major victory of his career by securing Lennox Island as a reserve for the Island's Mi'kmaq, Stewart confined his attention during these last few years of Island responsibility for Indian Affairs to the Indians living at Lennox Island, leaving a significant gap in the provision of relief to "pauper Indians".<sup>lxxxvi</sup> The tendency to ignore Indians living off reserves would, of course, be continued by the Dominion government.

1857	£85.16.2	1866	0
1858	£94.16	1867	£100
1859	0	1868	£100
1860	£25	1869	£100
1861	£37.14.8	1870	£100
1862	£30	1871	£150
1863	0	1872	\$485
1864	£10	1873	\$485
1865	£50	1857-1873	£1085 (£67/yr)

Source: Gould and Semple, pp. 33-34.

\* \* \* \* \*

Before the province entered Confederation, then, it avoided developing policy specifically for the Mi'kmaq. It did not even go as far as its sister provinces in the Maritimes by establishing reserves. The Mi'kmaq were not a problem for public policy in Prince Edward Island and were, in fact, largely irrelevant to the politics, economy, and social life of the immigrants who had come to see themselves as the true natives of the province -- the true Islanders.

With its entry into Confederation in 1873, the province was able to base its neglect of the Mi'kmaq population on the federal division of legislative authority. In any event, by this time the new Islanders had come to believe not only that the Mi'kmaq were irrelevant, but that they were a vanishing nation. As Duncan Campbell expressed it in his 1875 History of Prince Edward Island:

... as year after year passes away, so these poor creatures drop one after another, a prey to the white encroachment and the natural laws of colonizing progression.... Soon the home of their ancestors will be but the burial ground of this section of the tribe, and the place that fed, and warmed, and clothed, and sheltered the wary hunter, will open its yawning mouth for the one Micmac who shall longest survive. The feet that trod the war dance, the arms that raised the spear, the group that sat in council -- all will be forgotten and the very ground they sat upon will mingle, dust to dust, with their proud forms, and their place will know them no more for ever.<sup>lxxxvii</sup>

### **3. Present Context**

The Mi'kmaq did not, of course, fade away. According to the June 1991 Census of Canada, there were 1,880 people of aboriginal origin in Prince Edward Island. The similar number recorded in the June 1986 census was 1,290. This represents about 0.5% of the province's population. Of these, 470 were members of one of the two bands; of these 370 lived on an Indian reserve. Five hundred and seventy people identified themselves as being part aboriginal or as being registered under the Indian Act. Three hundred and ninety-five people reported only aboriginal origin; 1,480 reported aboriginal plus another origin. Of the 1,880, 1,655 reported themselves as Indian, 185 as Métis, and 75 as Inuit. Prince Edward Island has roughly 0.5% of Canada's population but only 0.1% of Canada's aboriginal population.<sup>lxxxviii</sup>

The aboriginal population of the province, then, is small. It is also divided into three significant political units. Roughly half of those identifying themselves as aboriginal, about 900 people, are non-status Indians or Métis. The main vehicle for representing the interests of these aboriginal people is the Native Council of Prince Edward Island (NCPEI). In addition, the NCPEI

claims to represent the interests of status Indians living off reserve. The status Indians in Prince Edward Island are divided between two bands, the Abegweit Band and the Lennox Island Band. The Lennox Island Band controls the Lennox Island reserve, which comprises 534.2 hectares. The Abegweit Band controls three much smaller and widely scattered reserves: Morell (83 hectares), Rocky Point (3 hectares), and Scotchfort (54.6 hectares).<sup>lxxxix</sup> The small aboriginal population and the lack of cohesion among the aboriginal groups make it easier for the dominant society to ignore the concerns of the aboriginal community.

	Total Membership	On reserve	Off reserve	Bill C-31* Population
Abegweit	275	202	73	40
Lennox Island	573	268	305	130
P.E.I. Total	848	470	378	170

\* Bill C-31 status Indians are those that regained status as a result of the 1984 legislation removing the discriminatory provisions of the Indians Act that required Indian women and their children to give up Indian status if they married a non-Indian man.

Source: Canada. Department of Indian Affairs and Northern Development. Information provided by office of Mr Lawrence MacAulay, M.P.

The aboriginal population of Prince Edward Island, taken as a whole, shares less fully in the benefits of late-twentieth century Canadian society than does the general population. Data from 1991 Census and the 1991 Aboriginal Peoples Survey show that while the social and economic conditions of aboriginal peoples in Prince Edward Island have improved in recent decades, the situation is still not good.<sup>xc</sup> Thus, in 1991, a significantly higher proportion of aboriginal people (20%) than non-aboriginal people (11%) had fewer than nine years of education. Similarly, only 37.7% of the aboriginal population had secondary education, compared with 43.5% of the general population. While a relatively large percentage of the aboriginal population had embarked upon

some post-secondary education (20%), only 11.6% had completed post-secondary programs. Data from the late 1980s suggests that in the PEI-New Brunswick region, the completion rates for status Indians at universities was only one-third of the completion rate for non-Indians.<sup>xci</sup>

With respect to labour force participation, data from 1991 again show significant differences between aboriginal and non-aboriginal people in Prince Edward Island. A lower percentage of the aboriginal population was employed in 1991 (49.3% of the aboriginal population compared to 59.8% of the total population), although the participation rate in the labour force was roughly the same for aboriginal and non-aboriginal populations. Unemployment, as measured in 1991, was 21.9% among aboriginal peoples in Prince Edward Island and only 13.5% among the general population.

The pattern of labour force participation was reflected in 1991 in the higher percentage of low-income families among aboriginal peoples than among the total population, as shown in the table below. In fact, in 1986, 47.1% of the families of registered Indians living on reserves lived below the poverty line, compared with only 12.7% of the families among the general population of the province.<sup>xcii</sup>

Table 3: Aboriginal and Total Population 15+ by Total Income, showing number and percentage, for Prince Edward Island, 1991				
Income level	Total Aboriginal Population		Total Provincial Population	
	#	%	#	%
\$2,000-\$9,999	135	37.0	24,785	25.1
\$10,000-\$19,999	100	27.4	28,155	28.5
\$20,000-\$39,999	50	13.7	25,525	25.9
\$40,000 +	--	--	8,115	8.2

Source: Data calculated from tables prepared by the Research Directorate, Royal Commission on Aboriginal Peoples, October 1993.

Poverty, then, is a real problem for the aboriginal community in Prince Edward Island.

This is reflected in the tendency of members of the aboriginal community to die more violent deaths and suffer more violence-related injuries than other Islanders. Life expectancy among Prince Edward Islanders of aboriginal origin is also lower than life expectancy of individuals in the general society, although the gap has been closing in recent years.<sup>xciii</sup> Fortunately, while social problems are serious in Prince Edward Island, the aboriginal community has not yet experienced the horribly severe consequences of poverty, such as large numbers of teen- and youth-suicides, which have been experienced in some other aboriginal communities in Canada. However, the Native Council of Prince Edward Island pointed out to the author that a disproportionate number of adults (3% to 4%) sentenced to penal institutions in the province are aboriginal people, a trend that began in the 1980s.<sup>xciv</sup>

Within this pattern of relative poverty, small numbers, and disunity, the aboriginal population of Prince Edward Island is attempting to move toward greater self-determination than it has been allowed in the past. Developing the ability to determine its own priorities and objectives and the capacity to work toward those objectives, is the first step toward solving many of the problems associated with poverty within the aboriginal community. It is also the first step toward correcting the consequences of historical wrongs committed by non-aboriginal Canadians and allowing aboriginal peoples true freedom. The balance of this paper looks at how the governments of Prince Edward Island have contributed to the creation of injustice and unfreedom, and how they might contribute to justice and self-determination.

#### **4. Actors and Processes**

The purpose of this section is to set out the main characteristics of the aboriginal policy community in Prince Edward Island. This community is small, comprising, primarily, governmental and aboriginal actors. The Christian churches, especially the Roman Catholic Church, which were historically important to the development of public policy affecting aboriginal

peoples, do not attempt to influence the course of contemporary policy or aboriginal-state relations.

From time-to-time a non-aboriginal non-state organization finds that its concerns overlap or conflict with those of the aboriginal community, but this is rare. Generally aboriginal concerns in Prince Edward Island are important only to aboriginal people themselves and to those non-aboriginals charged by the state with some responsibility involving the concerns or interests of the aboriginal communities in the province. The analysis below suggests that the province has a set of competent and mature policy actors representing aboriginal interests, although divisions among those aboriginal actors make it difficult for the aboriginal community to work together for maximum leverage. One of the reasons for this lack of solidarity is common in other jurisdictions, too; the divisions between aboriginal peoples caused by the legal and administrative distinctions between status and non-status Indians and reserve and off-reserve status Indians. Of particular note on Prince Edward Island, however, is a lack of solidarity among on-reserve status Indians, as shown by a sharp division between the two bands.

On the non-aboriginal side, the policy community is small and weak. The province has no agencies and very few individuals who are charged with aboriginal policy concerns, few aboriginal people working within the public service, and no programs to promote awareness of aboriginal issues among provincial decision makers. The reasons for the institutional weakness within the provincial government include a belief that aboriginal affairs are a federal responsibility, a lack of personnel and fiscal resources due to the smallness of the government, an over riding belief in civic homogeneity that makes it difficult to justify special effort for aboriginal peoples, and a perception that the aboriginal community is too tiny to warrant special effort.

#### **4.1 Native Council of Prince Edward Island**

From the perspective of our attempt to understand the relations between the Prince Edward Island government and the aboriginal people in the province, the Native Council of Prince Edward

Island (NCPEI) is the main aboriginal actor that needs to be understood. Neither band in the province recognizes the legitimacy of provincial involvement in their affairs, arguing that they are autonomous communities with a special relationship with the federal government. Similarly, the provincial government acts on the assumption that the bands are the constitutional and financial responsibility of the federal government. Provincial officials report that they rarely have any contacts with the governments of either band. The Native Council of Prince Edward Island, on the other hand, maintains regular contact with the provincial government, while provincial officials, when they talk to aboriginal representatives, almost always deal with the NCPEI. As the reader will notice, throughout this paper, when provincial-aboriginal relations or specific provincial programs for aboriginal peoples are discussed the Native Council of Prince Edward Island is invariably involved and the bands are not.

The Native Council of Prince Edward Island began on 8 September 1973 as local #17 of the New Brunswick and Prince Edward Island Association of Métis and non-status Indians.<sup>xcv</sup> Its founding was part of the national movement to institutionalize aboriginal political organizations. This national movement was sparked by a number of factors, including: status Indian reaction to the 1969 White Paper on Indian policy; general aboriginal reaction to judicial recognition of aboriginal title; a fear among non-status Indians and Métis peoples that public and government attention would be devoted entirely to status Indians and the recently formed National Indian Brotherhood and similar provincial associations of status Indians; the desire of federal policy makers, especially in the Department of Indian Affairs, to consult with aboriginal representatives; the willingness of the federal government to fund the new organizations through the Secretary of State and other federal agencies. "On 1 April 1975, the P.E.I. Association of Métis and Non-status Indians (PEIAMNSI) formed an independent group, and [was] incorporated under the Societies Act of Prince Edward Island."<sup>xcvi</sup> On 23 November 1978, following the political parting of the Métis

from non-status Indians in Canada, as shown with the founding of the Native Council of Canada, the PEIAMNSI transformed itself into the Native Council of Prince Edward Island (NCPEI).<sup>xcvii</sup>

The Native Council of Prince Edward Island has about 800 members and now claims to represent the interests of non-status Indians and status Indians living off reserves. However, many off-reserve members of the Island's two Bands dispute the NCPEI's claim to represent their interests. Rather, they continue to look to their Band council to represent them. In fact, early in 1995, a number of off-reserve members of the Lennox Island Band initiated a law suit asking the Federal Court of Canada to direct the Lennox Island Band Council to include off-reserve members fully in the governance of the Band. (The courts decision was not available when the author made the final revisions to this article.) The actual constituency of the NCPEI, then, is not clearly defined. The Province appears to accept the NCPEI's claim that it represents the interests of all aboriginal people not living on reserves.

Structurally, the Native Council of Prince Edward Island consists of three zones based upon the province's three counties. Within each zone local aboriginal communities can and do organize smaller units. The General Assembly of the Native Council of Prince Edward Island is composed of twenty delegates from each zone and the Board of Directors is composed of two representatives from each zone. The Executive is elected by the whole membership and serve two-year terms. Its head office is in Charlottetown.

The Native Council of Prince Edward Island worked with other non-status Indian organizations during the late 1970s to research land claims through the Maritime Provinces Aboriginal Rights and Land Claims Research Project.<sup>xcviii</sup> The Council also represented the position of Prince Edward Island non-status and off-reserve Indians at all the First Ministers' Constitutional Conferences from 1982 onward. In addition, it takes part in tripartite negotiations with the provincial and federal government to discuss means of working toward aboriginal self

government for off-reserve and non-status Indians.

The several programs that have been or are run by the Native Council of Prince Edward Island are summarized in tabular form, below. It will be noted that most funding for the Native Council of Prince Edward Island comes from federal sources.<sup>xcix</sup> Only one of those programs, Economic Development, is currently funded entirely by the government of Prince Edward Island. Another program affording support during the Constitutional negotiations of the 1980s and early 1990s was once funded by the province. Two others, the Tripartite negotiations and the Alcohol and Drug Abuse Program, are funded in part by the provincial government. Another program, the Native Court Workers' Program, was once funded in part by the province and, if the Native Council of Prince Edward Island thought this program worth while the province might fund it again. It should also be noted that two projects, the Aboriginal Child Welfare and Family Service Agency and Ankamsi Transition House foundered because of provincial actions or non-actions.

See Table 4 (p. 121)

#### **4.2 Lennox Island Band**

Until April 1972, the Lennox Island Band was the only band in the province. It had four reserves, the main one of which was at Lennox Island. After April 1972, with the creation of the Abegweit Band, which controls the three smaller reserves, the Lennox Island Band had only the Lennox Island Reserve. This reserve comprises 1,320 acres and is located on Malpeque Bay, about 50 km northwest of Summerside. Band membership is 550, of which 262 live on-reserve and 287 live off-reserve. Like the Abegweit Band, the Lennox Island Band is governed by a Chief and two Councillors.

The Lennox Island Band began administering some of its own programs since as early as 1967.<sup>c</sup> Since 1972 the Band has administered programs relating to housing, roads, water, sewage, health, social assistance, alcohol and drug abuse, recreation, culture, and education.<sup>ci</sup> In the

1987-88 fiscal year, the Lennox Island Band was declared conditionally eligible for an Alternative Funding Arrangement (AFA)<sup>cii</sup>, and AFAs have been in place for the band since 1988-89.<sup>ciii</sup> Some of the programs run by the band bring it into contact with provincial agencies. In the health area, for example, the band runs its own health counselling and health education services and arranges for physician and dental services to be available on the reserve. However, members of the band have access to specialized medical services and hospital care off the reserve. Similarly, while the Band administers social assistance for people on the reserve who qualify for it, it relies upon provincial agencies for specialized services, such as child welfare services. In the area of education, the Band runs its own elementary school (to grade six)<sup>civ</sup>, but contracts with provincial schools for the tuition of band members in junior high and high school. The Band also administers a budget provided under the Indian Affairs Department's Post-secondary Student Assistance Program to support its members seeking post-secondary education. Before 1972, many of these programs were administered directly by the Indian Affairs Branch through its local agent.<sup>cv</sup> Funding for these programs is provided by the Department of Indian Affairs, the Indian Health Service of the Department of Health and Welfare, the Canadian Employment and Immigration Commission (now Human Resources Development), and the CMHC.

For some time, the Lennox Island Band has been active in economic development. In the 1986-87 fiscal year, for example, it received \$130,000 from the Native Economic Development Fund for the Department of Indian Affairs and Northern Development.<sup>cvi</sup> The band owns a non-profit company, Mahemigew Incorporated, which has been active in the promotion of peat moss harvesting, blueberry farming, and oyster farming. At various times, the Band has also received federal funding to develop its forestry and agricultural industries.<sup>cvii</sup>

The Lennox Island Band has little to do with the provincial government or its agencies,

other than in the purchase of educational and social-welfare services. The Band insists that its formal relationship is with the Crown in right of Canada and that Section 91 (24) of the Constitution Act of 1867 makes it clear that the Federal government, not the provincial government, is responsible for relations with aboriginal peoples. Thus, the Band does not make demands upon the provincial government. It does not attempt to influence provincial policy or administration and it does not seek provincial funding or support. This attitude is reciprocated by the province, which also believes the band to be a federal responsibility. In interviews with the author, former and current Ministers and officials responsible for aboriginal affairs in the province were unanimous in saying that they rarely, if ever, had direct contact with officials from Lennox Island, and that they would be surprised if they did have such contact.

#### **4.3 Abegweit Band**

The Abegweit Band split from the Lennox Island Band in April, 1972, after a referendum was held in March 1972. It is the smaller of the two bands in the province, in both population and land base.<sup>cvi</sup> Three of the four parcels of land that had belonged to the Lennox Island Band were turned over to the newly created Abegweit Band. Thus, this band has a population of about 270, 196 of whom live on one of the reserves, and 74 of whom live off reserve. The three reserves are spread fairly widely: Rocky Point is a small reserve (7.16 acres) south west of Charlottetown Harbour; Scotchfort (142.8 acres) is 15 miles northeast of Charlottetown; Morell reserve (183 acres) is 24 miles northeast of Charlottetown.

The Abegweit Band has been in charge of its own administration since 1973.<sup>cix</sup> Since 1988-89, the band has been party to an Alternative Funding Arrangement (AFA) agreement with the Department of Indian and Northern Affairs.<sup>cx</sup> Like most bands in Canada, it receives federal government funding through the Department of Indian Affairs and Northern Development, the

Indian Medical Service, and the Canadian Employment and Immigration Commission. With this funding it runs programs in a number of areas, including housing, roads, welfare, alcohol and drug abuse, medical services, educational assistance, and employment outreach. However, the Abegweit Band has fewer services of its own than does the Lennox Island Band. The school at Rocky Point operated only from 1914 to 1922 and members of the Band today send their children to provincial schools,<sup>cxix</sup> for which the province is reimbursed by the Abegweit Band out of money supplied by the Department of Indian Affairs and Northern Development. Band members rely upon provincial agencies for most social services, as well.<sup>cxii</sup>

The Abegweit Band and the Prince Edward Island government seem to be largely irrelevant to one another. Although the province is compensated for providing educational and social services to band members, it has not developed special programs or modified existing programs for members of the band. Few provincial officials involved in programs and policies affecting aboriginal peoples reported any contact with the Abegweit Band. For example, Mr Paul Connolly, who was Minister Responsible for Native Affairs from May 1989 to April 1993, said in an interview that he could recall only once meeting with the Chief of this band. Mr Steven McQuaid, who was the senior official responsible for native affairs from early 1989 to September 1993, told the author that the Abegweit Band is particularly opposed to provincial involvement in aboriginal affairs and rarely had any contact with his office or with other parts of the provincial government. Mr Eldon Jamieson, the official responsible for native affairs from the early 1980s to mid-1988, said in an interview that he never once met with any officials from the Abegweit Band. In fact, the only contact he ever had with the Abegweit Band was through a few band members who had complaints about their Chief and Council and were looking for advice about how to handle those complaints.<sup>cxiii</sup>

Table 5: Indian and Northern Affairs Expenditures, Abegweit Band, 1986-92			
Fiscal Year	Population	Total Expenditures	Per Capita Expenditures
1991-92	270	1,341,469.21	4,968.40
1990-91	282	1,126,861.65	3,995.96
1989-90	272	1,147,129.20	4,217.39
1988-89	265	1,020,651.32	3,851.51
1987-88	257	879,295.52	3,421.38
1986-87	233	935,202.85	4,013.75

Source: Canada. Department of Indian Affairs and Northern Development, Expenditure Accounting System. Report for National Library and Demography Division; Information provided by office of Mr Lawrence MacAulay, M.P.

Table 6: Indian and Northern Affairs Expenditures, Lennox Island Band, 1986-92			
Fiscal Year	Population	Total Expenditures	Per Capita Expenditures
1991-92	550	2,061,326.16	3,747.87
1990-91	537	1,827,174.75	3,402.56
1989-90	511	1,439,573.56	2,817.17
1988-89	494	1,335,617.10	2,703.68
1987-88	450	1,295,860.39	2,879.69
1986-87	417	1,116,238.10	2,676.83

Source: Canada. Department of Indian Affairs and Northern Development, Expenditure Accounting System. Report for National Library and Demography Division; Information provided by office of Mr Lawrence MacAulay, M.P.

#### 4.4 Grand Council of the Mi'kmaq Nation

The modern Grand Council of the Mi'kmaq nation, or the Sante' Mawi'omi, is a continuation of a traditional governing structure that was developed by the nation many hundreds of years ago. The traditional lands of the nation are divided into seven districts (sakamowti) and each of these is divided among many clans (wikamow). "Each clan was led by a sakamow (chief); a

sa'ya (spiritual leader); and a keptin (war chief). Together the sakamow and keptin from each district formed on national council...." The Grand Council is led by a grand chief, who is the ceremonial head of state for the nation, the grand captain, who is the executive of the council, and the Putus, who "is the keeper of the constitution and the rememberer of the treaties."<sup>cxiv</sup>

The Grand Council transcends the political boundaries imposed by the dominant society on Mi'kmaq lands. The traditional seven districts and the traditional clan structure, not the provincial boundaries or reserve boundaries, shape the Grand Council. In fact, until relatively recently, the Grand Council had little use for the "Indian Act Governments" of the bands, which it sees as a foreign imposition on the nation, and this attitude was reciprocated by many band councils, which tended to ignore the Grand Council. This lack of mutual respect may be passing, however, as the Grand Council seems to be gaining legitimacy with some band councils in Nova Scotia, New Brunswick, and Newfoundland. The installation of some band chiefs in recent years has been done by the Grand Chief, which promises an integration of the traditional with the imposed governing structures of the nation. Still, the non-band political organizations, such as the Native Council of Prince Edward Island, have little to do with the Grand Council, and the Grand Council generally ignores such organizations. Furthermore, the Grand Council does not seem to be relevant to the chiefs of either of the bands in Prince Edward Island.<sup>cxv</sup>

The Grand Council, then, represents the Mi'kmaq nation and protects the nation's treaties and culture. It has no bureaucracy and no regular funding, relying on financial support from various bands as necessary. Representatives of the Grand Council have appeared at a number of international forums around the world, representing the Mi'kmaq nation.<sup>cxvi</sup>

In Prince Edward Island, the presence of the Grand Council is felt through the activities of a single individual, John Joe Sark.<sup>cxvii</sup> The Council itself has no formal relationships with either

provincial or federal agencies in the province; nor does it have a formal alliance with either band or the Native Council of Prince Edward Island. Keptin John Joe Sark carries out the mission of the Grand Council -- to protect the culture and treaties of the nation and to represent the nation -- by writing articles and letters to the editor, giving media interviews, addressing public meetings, speaking to any groups that invites him, privately visiting and phoning individuals, and monitoring the activities of public and private institutions that might damage the Mi'kmaq nation through overt or inadvertent racism or ignorance. His objectives are to raise consciousness about the relations between aboriginal and non-aboriginal peoples and to correct the ignorance and racism of the dominant society. In the spring of 1993, Mr Sark organized a seminar on Mi'kmaq human rights and treaties.

Although it is impossible to estimate the influence of John Joe Sark on public and government attitudes toward aboriginal peoples and policy issues affecting aboriginal peoples, we must not ignore his influence. In larger provinces it is unlikely that a single individual would be as well known and influential as John Joe Sark is in Prince Edward Island. But it is one of the political realities resulting from the smallness of this province that determined and articulate individuals can draw the attention of the mass media and decision makers, and can single-handedly initiate and shape public debate. Mr Sark is famous in the province for speaking out on issues affecting the Mi'kmaq nation, and for having waged, and won, some very public battles against racist language and attitudes. His opposition to one high school's use of the name "Redmen" and accompanying aboriginal symbols for its sports teams is still talked about in the province. When a prominent non-aboriginal makes a statement that perpetuates errors or unfortunate attitudes, Mr Sark publicly corrects that person, and draws the attention of the mass media when doing so.<sup>cxviii</sup> In sum, then, the Grand Council of the Mi'kmaq nation, through Keptin John Joe Sark, exerts a

large influence on the political and cultural environment within which aboriginal issues are discussed in Prince Edward Island.

#### **4.5 Regional Associations**

A number of regional associations of status-Indians have some bearing on government-aboriginal relations in P.E.I. These include the Union of New Brunswick and Prince Edward Island Indians, the Atlantic Policy Congress of First Nations Chiefs, and the St. John River Valley Tribal Council.<sup>cxix</sup> In each of these organizations, only the Lennox Island Band has been active.

The Union of New Brunswick and Prince Edward Island Indians was formed in November 1967.<sup>cxx</sup> In New Brunswick, it is an important voice for the Chiefs and, according to David Milne elsewhere in this volume, it sees itself as the "principal authoritative voice of aboriginal people in that province." It interacts regularly with the provincial government in New Brunswick as well as the federal government. In Prince Edward Island, however, the Union is largely irrelevant other than on the Lennox Island Reserve. Of the two Bands in the province, only the Lennox Island Band is a member of the Union on New Brunswick Indians, and the Union does not normally interact with the provincial government or the Native Council of Prince Edward Island. The main benefit to Lennox Island from its membership in the Union seems to be leverage with the Federal government. From the perspective of understanding relations between the government of Prince Edward Island and the aboriginal peoples in the province, the Union is irrelevant.

The Atlantic Policy Congress of First Nations Chiefs, founded in March 1992, and the St. John River Valley Tribal Council, founded in April 1991, allow the member first nations to monitor Federal and Provincial policies that might affect them, develop policy proposals for Aboriginal peoples, and access advisory services. Both organizations are active in a range of policy areas,

including health, education, economic development, treaties, justice, policing, and community development. The Lennox Island community helped form these organizations and remains active in both of them. Indeed, an anonymous reader of an earlier draft of this paper pointed out that the legal and technical services provided to Lennox Island through the St. John River Valley Tribal Council were instrumental in developing a policing agreement for Lennox Island.

#### 4.6 Aboriginal Women's Association of Prince Edward Island

In the early 1970s, aboriginal women in Prince Edward Island began to organize informally. On 30 November 1982 a number of aboriginal women met to form the Aboriginal Women's Association of Prince Edward Island,<sup>cxxi</sup> an organization that was formally incorporated in March 1986. Among the factors that led to the formation of this association were those that led to the formation of similar organizations across Canada. Aboriginal women had for some time felt that their concerns, which included discriminatory sections of the Indian Act, were not being given full voice by the general-purpose aboriginal political organizations. This feeling culminated during the 1980-82 Constitutional renewal process, when aboriginal women felt frozen out of discussions leading to the 1982 Constitution Act. They feared that the aboriginal rights provisions of the 1982 Constitution Act failed to sufficiently guarantee the equal treatment of men and women, a deficiency that was corrected in the 1983 amendment to the 1982 Constitution Act.

In Prince Edward Island, the particular goal of the founders of the Aboriginal Women's Association was to enhance Aboriginal community identity through traditional Mi'kmaq cultural activities and crafts. The Association, which is affiliated with the Native Women's Association of Canada, was founded by a broadly representative group of aboriginal women and seems to have transcended the cleavages that divide the two bands from one another and the bands from the Native Council of Prince Edward Island. However, the Aboriginal Women's Association does not

appear to have been admitted to full membership in the local policy community. In interviews, provincial government and Native Council of Prince Edward Island officials indicated, without any malice and very politely, that the Women's Association has exercised little influence on the bands, the Native Council of Prince Edward Island, or the provincial government. In an otherwise fairly complete review of political and cultural activities by the Mi'kmaq of Prince Edward Island, the Abegweit Review made no mention of the Women's Association.

In spite of being disadvantaged in the competition for funding and access to decision makers, the Aboriginal Women's Association of Prince Edward Island are relatively active. They meet with Federal and Provincial officials when necessary and possible, and they ensure that the particular concerns of aboriginal women are known to decision makers. In 1994, the Aboriginal Women's Association initiated programs in the areas of child care and domestic violence and opened an office in Charlottetown. This increased level of activity was funded by the Federal Government.

#### **4.7 Relations among Aboriginal Political Organizations**

Besides having as little as possible to do with the provincial government, the two Bands seem to have difficulty working with one another. No organization has been created to try to unite the various components of the aboriginal community, and no such organization seems likely.<sup>cxxii</sup> According to interviews conducted with several people, there is some bitterness between the two Bands as result of struggles during the creation of the Abegweit Band, struggles described by one participant, in conversation with the author, as amounting to a "mini-revolution". Tensions between the Lennox Island Community and the communities at Scotchfort and Morell were instrumental in the creation of the Abegweit Band. According to a sociological study done in 1969 by Frederic J. Gross, the Scotchfort and Morell communities were more integrated into the affairs

of the dominant society than was the Lennox Island Reserve, leading to different cultures and expectations among the people of the various reserves. Gross also refers to factionalism and the potential for interpersonal violence in the relationship between the two communities. Finally, Gross points out that Scotchfort residents believed that the Band council did not represent their interests. In fact, the Council was made up entirely of people from Lennox Island and it refused to have an informal Scotchfort representative present at Council meetings with a right to speak from the floor.<sup>cxxiii</sup>

In addition to these long standing tensions, aggravated by the 1972 referendum on the splitting of the band, there appears to be little willingness among the leadership of the two bands to cooperate.<sup>cxxiv</sup> A symptom of the distance between the two bands is that while the Lennox Island Band has joined the Union of New Brunswick Indians and other regional groups, the Abegweit Band has remained apart from such groupings.<sup>cxxv</sup> Perhaps the only project on which the two Bands have worked jointly is the Minegoo Indian Arts and Crafts Society. This society, funded by the Canadian Employment and Immigration Commission (now Human Resources Development) and the National Arts and Crafts Corporation, sponsors training courses in basket-weaving, leather work, and management training.<sup>cxxvi</sup> Still, even this successful program has caused tensions between the two bands. Early in 1991 Chief James Sark of the Abegweit Band complained that funds for Minegoo were not benefiting members of his band. He claimed that not one member of his band had been employed as a result of the Minegoo project, whereas at least ten jobs should have gone to Abegweit members. The manager of Minegoo, Dave Bryanton, claimed that "Minegoo has injected tens of thousands of dollars into the local Indian communities in the form of wages, training programs and raw material purchases. Interestingly, the majority of economic benefits generated by Minegoo were reaped by members of the Abegweit Band."<sup>cxxvii</sup> Whatever

the truth about the benefits of the Minegoo project, the episode illustrates the difficulty the bands seem to have working together.

It is difficult to believe that tensions between the bands will decline in the near future. During interviews with aboriginal and non-aboriginal Islanders, the author of this paper asked about the possibility of the two bands working together and was told repeatedly that such cooperation is unlikely.<sup>cxxviii</sup> However, if, as one person suggested, the inability of the Bands to work together is rooted in the attitudes of the leaders of the two communities -- leaders who are the same in 1995 as they were in 1972 -- then the eventual change in leadership may open the possibility of reconciliation and joint action.

At the same time that there is tension, at least at the official level, between the two bands, the bands and the Native Council of Prince Edward Island have little to do with one another.<sup>cxxix</sup> In part this is because many policies and practices of the federal government divide on-reserve registered Indians from other aboriginal peoples. Federal policies, both historically and currently, favour reserve-based Indian communities. In addition to this legacy of federal policy, many political leaders of registered Indians are suspicious of the concept "non-status Indian", believing that this dilutes the meaning of Indianness and threatens to undermine the economic base of the aboriginal communities. Occasionally, the tensions between status and non-status Indians become public. For example, in 1988, John Joe Sark, of the Mi'kmaq Grand Council, argued that the Native Council of Prince Edward Island had no right to represent off-reserve status Indians. He claimed that "the Native Council of P.E.I. misrepresents the Mi'kmaq Indian people of this province we call Abegweit, and has done so quite often in the past ten years." He suggested that the Native Council represented only 80 or 90 native people in the province, and lamented the fact that funding for preparation of self-government was going to the Native Council rather than to the Bands.<sup>cxxx</sup>

Some of the tension among the political organizations might be financial. As one observer of the situation in Prince Edward Island suggested in a private conversation, all the groups believe that there is just so much money to go around, and every additional aboriginal group will take a part of it. Certainly the perception within the Native Council of Prince Edward Island is that the Bands have no interest in anything that occurs off the reserve.<sup>cxxxix</sup> It was the unanimous opinion of all aboriginal people interviewed for this paper that cooperation and solidarity among the aboriginal political organizations is very unlikely. The Band Councils, with land bases and access to many federal programs have little incentive to work with the Native Council of Prince Edward Island.<sup>cxxxii</sup> The Native Council of Prince Edward Island, on the other hand, has a significantly different agenda than the Band Councils.

(One instance of joint action by the various aboriginal political organizations occurred around the Native Court Workers Program. This program is jointly funded by the federal government and the province, and provinces participate in it if there is sufficient interest among aboriginal peoples in the province. The program was active in Prince Edward Island from the 1976-77 fiscal year to the 1981-82 fiscal year.<sup>cxxxiii</sup> During that time it was expected to benefit all aboriginal peoples and was supervised by the Native Justice Council of Prince Edward Island, the board of which included the Deputy Minister of Justice and representatives of the bands and the Native Council of Prince Edward Island.<sup>cxxxiv</sup> The Native Council of Prince Edward Island withdrew its support for the program because it did not fit the Council's priorities and did not work toward goals that the Council thought were important.<sup>cxxxv</sup>)

Finally, even the Grand Council of the Mi'kmaq nation, which in some ways is a unifying agency for the nation, seems unable to create harmony among the various aboriginal political organizations in the province. Occasionally, disagreements between the Grand Council's main

spokesperson in Prince Edward Island, John Joe Sark, and the Bands or the Native Council of Prince Edward Island are reported in the mainstream press,<sup>cxxxvi</sup> and in private conversations most of the players admit an unwillingness to work easily with the others. John Joe Sark reported in an interview that while Bands in other parts of the Maritimes are beginning to work with the Grand Council, such is not occurring in Prince Edward Island.

#### **4.8 Provincial Actors**

The provincial government has established no special programs, agencies, or units within agencies for aboriginal people. The general policy of the province was summarized best in a letter from Mr Keith Milligan: "P.E.I.'s aboriginal people have the same access and entitlement to government programs and services as all citizens of the province."<sup>cxxxvii</sup> It is the provincial position that aboriginal people, on- and off-reserve, status and non-status, are the responsibility of the federal government and that, with a few exceptions, any special programs or services would have to come from the federal government or be financed by the federal government. The province argues that its programs of general application, again with a few exceptions, suit the needs of aboriginal peoples.

At any one time, only two individuals within the provincial government are charged with specific responsibility for aboriginal policy and concerns. Since at least the early 1970s, it has been the practice of successive Premiers to designate one Minister as being responsible for native affairs. This Minister has generally been supported by a single senior public servant, who can be thought of as the official responsible for native affairs. Both the Minister and the official have other, generally more time-consuming, duties. The roles of the Minister and official responsible for native affairs are discussed separately below.

The single exception to this "two person" pattern occurred during the last government of Mr

Joseph Ghiz. Mr Ghiz, who had a strong personal interest in aboriginal affairs, appointed Mr Jerry Steele to his office to advise him on constitutional and aboriginal matters. Mr Steele and Mr Ghiz created an environment that was unusually supportive of aboriginal self-determination.

With the exception of the Ghiz years when the Premier's office was directly involved in aboriginal constitutional issues, the senior ranks of the provincial bureaucracy have rarely had occasion to discuss aboriginal affairs. An individual who was a senior public servant during the 1970s told the author that he could recall only one discussion in Policy Board, an important central agency at the time, involving aboriginal issues. That discussion arose when the Prince Edward Island Association of Métis and Non-status Indians was formed; officials wondered what exactly a non-status Indian was. Also, the Native Council of Prince Edward Island has, occasionally, been invited to brief Cabinet on aboriginal issues. However, senior decision-making agencies get involved in aboriginal issues so rarely that they cannot be included as actual members of the aboriginal policy community.

In order to understand and evaluate the routine relationship between the government of Prince Edward Island and aboriginal peoples, the author contacted a number of provincial agencies to see if they had any special programs for aboriginal people, or if any of the programs of general application were of particular importance to the aboriginal community in the province. In every case, the response was that no special or specific programs or services existed for aboriginal people.

In the area of education, for example, the Minister responded that there are few specific programs "due to the small size of the aboriginal population" and because "there has been virtually no demand for specific programs aimed at Aboriginal peoples on Prince Edward Island until very recently. However, the Minister also pointed out that all Island students are introduced to Prince Edward Island Mi'kmaq history in grade six and to regional native studies in grade nine.<sup>cxxxviii</sup>

Administratively, the Department of Education and Human Resources provides education to registered Indians from the two bands, for which the Bands pay tuition fees.<sup>cxxxix</sup> Finally, the Department of Education and Human Resources has recently prepared a Human Rights Policy that includes a section on aboriginal peoples.

Other agencies reported similar patterns of policy. The Prince Edward Island Housing Corporation (now part of the Department of Health and Social Services), for example, reported that "Actual contact with the Native Council and/or the Nanegkam Housing Corporation has been minimal, and essentially limited to specific individual cases of which program assistance, or advice in general, was sought."<sup>cxl</sup> Addiction Services Prince Edward Island reported no special programs for aboriginal peoples. However, each of the county offices reported awareness of and sensitivity to the special needs of aboriginal clients. Kings County Addiction Services, for example, reported that it serves about six aboriginal clients each year and that, while it has not provided special training for counsellors dealing with aboriginal clients, it has consulted several times with the Native Council about appropriate treatments in specific cases. Queen's County Addiction Services reported consultation with the Native Council and undertaking special training for counsellors in the late 1980s, when the Native Council of Prince Edward Island was attempting to set up its Ankamsi Transition House. However, there has been no consultation since that episode, although Queen's County Addiction Services would like to liaise with the NCPEI. Finally, Prince County Addiction Services reported that it provided services for eight aboriginal persons in 1992-93. It reported regular contact with the Lennox Island community, including consultations, referrals, educational seminars and workshops, and out-patient counselling. A published source suggests that the pattern has been similar with respect to adoption services in Prince Edward Island. While no special programs were initiated with respect to the adoption of aboriginal children, the practice

among authorities in Prince Edward Island was to use special forms to track the movement of aboriginal children through the child welfare and adoption system.<sup>cxli</sup>

The general pattern, then, is one of extending existing services to aboriginal people. Agencies with regular contact with aboriginal clients, like the Addiction Services agencies, make some effort to improve counsellors' awareness of aboriginal concerns, but there is no policy requiring this. The author asked several agencies and officials whether the government makes any special effort to recruit aboriginal persons into the public service or to train non-aboriginal public servants that have aboriginal clients, and was told that it did not do so. One long-serving provincial official responsible for native affairs, told the author that there has never been any systematic human resources policy involving aboriginal peoples, although one summer the province arranged three summer placements for post-secondary aboriginal students. However, this same official pointed out that the Native Council of Prince Edward Island wrote to him at least twice suggesting special streaming of native people into the Prince Edward Island public service. He also pointed out that the province is developing, in consultation with the Native Council of Prince Edward Island, a Racial Awareness Program, which will improve public servants' awareness of the special needs of and problems affecting visible minorities in general and aboriginal people specifically.<sup>cxlii</sup> The President of the Native Council of Prince Edward Island told the author that while some provincial officials have supported the principle of improving public servants' awareness of aboriginal rights and concerns, the main responsibility for improving public and government awareness of aboriginal concerns rests with the aboriginal community itself. He said that the Native Council of Prince Edward Island would undertake an awareness program, but would need federal and/or provincial financial support to do so.

Most contact between aboriginal people and the provincial government, then, takes place

within general purpose agencies delivering general purpose programs and services. From time to time, specific issues arise that require some person within a general purpose agency to become familiar with aboriginal issues. For example, an official within the Fish and Wildlife Service of the Department of Environmental Resources, has monitored developments with respect to aboriginal fishing rights in the province. He liaises with the provincial official responsible for native affairs. Similarly, when specific proposals are discussed within the tripartite negotiating process, such as child welfare, the provincial agency(ies) involved in that policy area provide expertise and resources to the provincial negotiators. Thus, while there are very few provincial public servants actually charged with responsibility for aboriginal affairs, at any one time several public servants might be working on something involving aboriginal concerns.

#### **4.8.1 Minister Responsible for Native Affairs**

Since at least the mid-1970s it has been the practice of Premiers of Prince Edward Island to designate one Minister as the Minister Responsible for Native Affairs. It would be nice to be able to list every such Minister, along with his/her tenure in the portfolio, but this is not possible. Lists of the Executive Council before the late 1980s indicate only the main Departmental responsibilities of each Minister, not the minor policy and coordination responsibilities. Furthermore, the matter has been of such irrelevance to the local media that no media reports indicate this responsibility.<sup>cxliii</sup>

The difficulty experienced in compiling even a partial list of Ministers Responsible for Native Affairs indicates how informal, symbolic, and relatively unimportant this appointment has been.

In any event, it is certain that the following individuals had this responsibility at various times. Catherine Callbeck, now the Premier of the Province, was Minister Responsible for Native Affairs in 1977, when she granted an interview to Gigmanag<sup>cxliv</sup>, the newspaper of the Native Council of Prince Edward Island. Her main portfolio was Social Services. In 1979, Barry Clark

handled the Native Affairs file in cabinet. From 1980 to 1985, Fred Driscoll carried this responsibility. In 1988-89, Wayne Cheverie, Minister of Justice, was responsible for Native Affairs. From May 1989 to April 1993, Paul Connolly, Minister of Education was so designated. Since the Callbeck cabinet was appointed in April 1993, responsibility for Native Affairs has been vested in the Minister of Provincial Affairs, a portfolio held first by Mr Walter McEwen and now by Mr. Alan Buchanan.

The duties of the Minister Responsible for Native Affairs have been quite light. This is not surprising, given that the province has no programs specifically for aboriginal peoples and does not attempt to coordinate existing general-purpose programs for aboriginal clients. Provincial contributions to the Native Council of Prince Edward Island tend to take the form of annual grants -- for economic development, alcohol and drug abuse counselling, and tripartite negotiations preparation -- which impose minimal accountability requirements on the NCPEI and impose little on the Minister's time. The main demand on the province's time comes from the tripartite self-government negotiation process, a process that takes place primarily at the official, not the Ministerial level. Except when the Constitutional negotiations on aboriginal rights were taking place, there was little reason for the Minister to pay very much attention to this area of her/his duties.

When Catherine Callbeck was Minister Responsible, she described her role as "the liaison between the Association or Native people and the departments of government so that when requests come to me from Native people I'm certainly prepared to take them forward to the department and to work to my best ability to see that these things are initiated".<sup>cxlv</sup> This remains a main function of the Minister Responsible. Fred Driscoll recalled that other than Constitutional matters, native affairs rarely came to his or the cabinet's attention; he suggested that his official responsible for

native affairs handled most issues and concerns. Mr Paul Connolly, agreed that most activity focused on the official responsible for native affairs. He said that during his four years working with Native Affairs he, as Minister Responsible, met representatives of the Native Council of Prince Edward Island perhaps ten or twelve times and with the Band Chiefs only once.

#### **4.8.2 Official Responsible for Native Affairs**

Since the late 1960s, the province has followed the practice of allocating one relatively senior public servant the "file" on native affairs. At least six people have handled these duties. Never has this "file" been more than a minor part of that official's duty.

The first official that this researcher could find who was charged with monitoring aboriginal affairs was Mr Douglas Boylan, who did this during the late 1960s and early 1970s. Mr Boylan said in an informal conversation that it would not even be fair to say that there was a native affairs "file" within the province at the time. At best it was a watching brief.

By the early 1980s, however, the native affairs file took on greater importance. Two factors caused this. First, the province began to be concerned about the Federal government's off-loading of fiscal responsibility for aboriginal peoples onto the provincial governments.<sup>cxlvi</sup> Then, aboriginal rights became a prominent item on the agenda for Constitutional Reform. From the early 1980s (Mr Jamieson could not remember when he took on the responsibility) to 1988, Mr Eldon Jamieson was the official responsible for Native Affairs, reporting, for most of that time, to Fred Driscoll. Mr Jamieson emphasised in an interview with the author that there was very little provincial policy activity in the native affairs area during his period of responsibility. The main provincial commitment was to the tripartite negotiation process, which was only beginning when he passed along the duties. When he took on the native affairs file, it was understood that this would take only 5% of his time; the balance of his time was to be spent on his main function as Social

Affairs Consultant for the Department of Education. However, during the Constitutional discussions of 1983-87, Mr Jamieson spent up to 50% of his time working on the Native Affairs constitutional file.

Mr Jamieson's relationship with the province's aboriginal community was almost exclusively through the Native Council of Prince Edward Island. He could recall only once meeting with representatives of the Lennox Island Band, to discuss some aspect of Constitutional reform. He said that the Lennox Island Band never initiated any contact with him. He never met with representatives of the Abegweit Band. At the Native Council of Prince Edward Island, Mr Jamieson dealt primarily with the President, Mr Graham Tuplin, and Mr Tom Connor. Mr Tuplin regularly attempted to get native issues on the provincial public policy agenda and was usually the initiator of contact; Mr Jamieson rarely initiated contact with the Native Council of Prince Edward Island.

Following Eldon Jamieson's long tenure as official responsible for native affairs, Ms Nancy Hughes Anthony took over the file for a brief period. Ms Anthony was located in Policy Board and was responsible for advising the Executive Council on intergovernmental affairs. Her appointment was only part-time (three days a week), and native affairs was the smallest part of her duties. During her brief time with the native affairs file, Ms Anthony's main concerns were to understand the issues involved in native affairs and to prepare the province for devolution of authority for aboriginal peoples to provincial governments and aboriginal peoples. To accomplish these objectives, Ms Anthony commissioned an independent researcher to prepare a discussion document on native issues.<sup>cxlvii</sup> She left the Province to take work in Ottawa in February 1989.

From early 1989 to September 1993, Mr Steven McQuaid was the official responsible for native affairs. He estimated that he spent about one working day (eight hours) a month on this file,

but he emphasised that this was very much an on-again/off-again matter. The main determinant of the amount of time he spent on the native affairs file was the Native Council of Canada, which initiated all policy proposals and shaped the content of the tripartite process. As had been the case during the 1990s, neither of the Bands had very much to do with the provincial government during Mr McQuaid's tenure as official responsible. In fact, in Mr McQuaid's experience, the Abegweit Band was particularly opposed to provincial involvement in aboriginal affairs, and the Lennox Island Band rarely found it necessary to contact provincial officials. Provincial officials, of course, rarely found it necessary to contact either band.

Since 1993, Mr George Likely, Director of Policy and Administration in the Department of Provincial Affairs, has been responsible for native affairs. When interviews for this project were conducted, Mr Likely had not yet had occasion to work on the native affairs file, but his expectation was that his experience would be similar to the experiences of his predecessors.

Generally, then, the province devoted minimal resources to developing its voice and expertise in the policy area. It is not unusual, of course, in this very small public service to have a single individual charged with responsibilities that occupy several people in the public services of other provinces. Furthermore, the experiences of people like Eldon Jamieson and Steven McQuaid show clearly that the time devoted to the aboriginal affairs file expands in response to the amount of federal-provincial activity in this area. The official responsible for aboriginal affairs can also draw upon the resources of individuals in any of the provinces line agencies and departments. Still, devoting only fifteen percent of one official's time to the aboriginal affairs file severely limits the province's ability to either initiate activity or respond to initiatives from others in the aboriginal affairs policy area.

#### **4.9 Government-Aboriginal Relations, Summary**

The relationship between the government of Prince Edward Island and the two Bands in the province is easily summarized. Other than routine contacts between government officials and band members in their role as provincial citizens, and other than the purchasing of some services, such as education, by the bands from provincial agencies, there is no relationship to speak of. This is by mutual consent. Neither the Bands nor the province believe that the province has a role to play in the affairs of the Bands.

The mutual irrelevance of the Bands and the provincial government was most evident during the Constitutional negotiations on aboriginal rights during the 1980s. The Lennox Island Band, in keeping with the position of the Union of New Brunswick and Prince Edward Island Indians, believed that the constitutional talks were illegitimate because the provinces were involved.<sup>cxlviii</sup> Both the Lennox Island Band and the Abegweit Band refused the province's invitation to participate in preparing for the constitutional meetings, leaving only the Native Council of Prince Edward Island to work with the province. At the 1985 meetings, when Premier Jim Lee claimed that his government's position represented the interests of native people on Prince Edward Island, he drew a sharp rebuke from a very angry Chief James Sark of the Abegweit Band. Chief Sark said the Premier should have made it clear that he was speaking only for the Native Council, not for any status Indians. "There is a big difference between the Native Council of P.E.I. and the status Indians. The native council was set up to represent non-status Indians. The premier says his government gets along great with the native council and that may be true, but the council does not represent any of the status Indians."<sup>cxlix</sup> When Mr Ghiz represented the province's position at the final Constitutional Conference in 1987, he stressed that his government did not speak for the Bands. He read a statement from the Chiefs of the two bands indicating that they believed provincial participation in the discussion of aboriginal rights made the process illegitimate,

a point that was also reported in the local media.<sup>cl</sup>

The relationship between the Native Council of Prince Edward Island and the province is more complex. Although most provincial agencies, including the most senior and central agencies, have little or nothing to do with the Native Council of Prince Edward Island, the province does maintain a permanent link with the Native Council and funds some of its programs. Again, both the Native Council of Prince Edward Island and the province believe that the federal government has primary responsibility for aboriginal affairs, but within the limitations established by this belief, the Native Council of Prince Edward Island and the province work together fairly well. Still, to return to a point made earlier, the relationship between the province and the Native Council of Prince Edward Island exists within an environment in which aboriginal peoples, concerns, and rights are marginal to the main activities of government.

See Table 7 (p. 125)

## **5. Overview of Governmental Activity**

After Prince Edward Island joined the Canadian Confederation in 1873, the principal responsibility for aboriginal peoples fell upon the federal government.<sup>cli</sup> For the better part of a century, neither the Legislative Assembly nor the executive branch of government were concerned with aboriginal affairs. The government of Prince Edward Island adopted the position that Indians were a federal responsibility. Indians that lived off reserve or had lost their official status as Indians under the Indian Act, were treated simply as citizens of the province; no special policy or administration were developed. The aboriginal community, which, until the 1970s was represented by the Lennox Island Band Council, agreed with the provincial government's conclusion that the federal government had sole responsibility for all the affairs of the Mi'kmaq in the province.<sup>clii</sup>

The province began to develop policy relating to aboriginal peoples again in the 1960s. Two developments during this decade called for provincial policy. The first was the granting of normal political citizenship -- as represented by the right to vote and stand for election -- to status Indians. The second was the decision by the federal government to treat the 'Indian problem' as one amenable to solution by the welfare state. During the 1970s, the province was induced further into the aboriginal policy area by the politicization and organization of the off-reserve and non-status Indian community, which looked to the province almost as much as it looked to the federal government for programs and solutions to complex problems, and the development of a number of federal-provincial cost-shared programs, most of them for off-reserve and non-status Indians. During the first part of the 1970s, the province became the beneficiary of a massive federally-funded "Comprehensive Development Plan" and had to, at least very briefly, examine the role and place of Indians within this Plan. Late in the 1970s, the province followed a national trend and granted a sales tax exemption to status Indians. In the 1980s, a decade that saw the emergence of aboriginal peoples as partners in the process of constitutional renewal, the province found it increasingly necessary to be aware of the demands and needs of aboriginal peoples.

Before looking at the details of provincial activities that have directly affected aboriginal people, however, it is essential to point out that these activities took place within a general pattern of public policy in which the aboriginal people and aboriginal concerns were almost completely irrelevant. Almost never have aboriginal issues been considered as part of reviews of general policy areas or in overhauls of provincial legislation and administration in specific policy areas. For example, in 1984 the Legislative Assembly received the Report of the Commissioner on Quality of Life, a document that addressed a number of public policy concerns arising from "the changing values and permissiveness which are becoming ever more apparent in our Island

society."<sup>cliii</sup> The report addressed the particular concerns of women, the disabled, children, children with disabilities and learning disabilities, victims of various types of abuse, senior citizens, the unemployed, and Acadians. Nowhere is the existence of an aboriginal community in the province even recognized. Similarly, in 1989 the Welfare Assistance Review Committee published a major report that made no mention of the special needs of aboriginal peoples or of the possibility of delivering welfare assistance through aboriginal agencies.<sup>cliv</sup>

If we look at the activities and report of the Royal Commission on the Land, which reported in October 1990, we find a similar silence on aboriginal issues and concerns.<sup>clv</sup> The "History and Background" chapter of the report makes not a single reference to aboriginal persons or concerns, and certainly not to the historical dispossession of the aboriginal community or to modern concerns about aboriginal rights and land claims. To this Royal Commission, history began with "the land question", by which it meant the struggle of European-settler tenants against European landlords. In fact, nowhere in the Report's 604 pages is the existence of an aboriginal population even mentioned. The Report's silence on aboriginal concerns is understandable when we consider that not a single one of the briefs presented to the Royal Commission addressed the concerns of the aboriginal people, and the extensive bibliography, which runs for eighty pages, contains not a single book, article, newspaper reference, or government document relating to aboriginal land rights in Prince Edward Island or anywhere else. In fact, the only reference to aboriginal people in the Royal Commission's published documents is found in the summary of a consultation meeting held on Lennox Island by the Institute of Island Studies, which had been hired to hold a number of community consultations across the province. The ten people at the Lennox Island meeting emphasised the importance of unsundered aboriginal rights to the land, but this point was clearly missed by the Commissioners.<sup>clvi</sup>

Other commissions of inquiry similarly ignored aboriginal people and concerns. For example, the 1962 Commission on Electoral Reform, discussed below, made not a single reference to aboriginal people, even though they were, at the time, disenfranchised. Repeatedly, task forces, Legislative Committees, and Royal Commissions discuss the concerns of every group of Islanders, from Acadians to senior citizens, except aboriginal people.

The unimportance of aboriginal issues and concerns in the context of mainstream public concerns in Prince Edward Island can also be seen by looking at the public reaction to policy changes affecting aboriginal peoples. When the vote was finally given to status Indians living on reserve, no notice of the change was taken by any of the Island's newspapers or political parties. A similar and equally deafening silence characterized the public reaction to the granting of a sales tax exemption to status Indians for items purchased for consumption on reserve. Again, while the mass media followed closely the province's closing of Charlottetown's transition house for alcohol- and drug-dependent women, no one noticed that a similar transition house for aboriginal people also disappeared as a result of the same decision.

The reader is cautioned to recall, then, while marvelling over the minute details of provincial activities for aboriginal people, that the province has, in fact, done very little and that aboriginal peoples, their rights, and their concerns remain almost completely invisible within and ignored by public policy and government in Prince Edward Island.

### **5.1 Basic Policy Assumptions Made by the Provincial Government**

Before looking at the specific episodes of provincial activity directly affecting the Island's Mi'kmaq communities, it is important to set out some of the thinking that has shaped provincial policy and administration in this area over the last two decades. The first and most basic assumption made by the provincial government is that the primary responsibility for aboriginal

peoples and their affairs rests with the federal government. Repeatedly, provincial officials, when interviewed for this project, defined aboriginal affairs as a federal matter, whether the aboriginal people involved lived on a reserve or away from a reserve, and whether they were registered as Indians with the Department of Indian Affairs and Northern Development or defined themselves as Indians.<sup>clvii</sup> This provincial position is supported by the Native Council of Prince Edward Island<sup>clviii</sup> and the two bands in the province. In keeping with this assumption, the province has little to do with status Indians on reserve, for whom the federal government exercises its responsibility and jurisdiction. The province does have more to do with non-status and off-reserve Indians through its relations with the Native Council of Prince Edward Island. However, the province tends to see itself as filling a void created by the failure of the federal government to accept its financial responsibility for off-reserve Indians. The province is reluctant to commit resources to an area that it sees as a federal responsibility, and this reluctance colours all activities of the province in the area of aboriginal affairs. As Premier Joe Ghiz told the First Ministers' Conference in March of 1987, "If progress is to be made in any substantial way, it is of the utmost importance that the federal government indicate clearly its readiness to assume primary financial responsibility for all aboriginal peoples". Similarly, the Minister Responsible for Native Affairs told the Royal Commission on Aboriginal Peoples in May 1992: "Unless the Federal Government begins to assume what most Provinces and off-reserve Aboriginal groups believe is its rightful responsibility, it is going to be difficult for this Province to assist any of our Aboriginal peoples realize their self-government aspirations."

In the province's thinking, a corollary to the principle of federal financial responsibility is provincial resistance to federal off-loading of responsibility onto the provinces. This concern was manifest as early as 1971 when the Deputy Minister of Development prepared a memorandum for

the premier outlining possible provincial responses to the 1969 Federal white paper on Indian policy. The white paper had recommended the transfer of responsibility for social services for status Indians to the provinces. While generally supportive of the white paper's policy, the Deputy recommended that "The province should note its particular concern in learning what the Federal Government intends by the term 'equitable financial arrangements'." <sup>clix</sup> More recently, one provincial official who was active in the aboriginal affairs area in the 1980s said in an interview that provincial nervousness about devolution of federal authority to and off-loading of federal responsibility onto the provinces was the major motivating force in the province's involvement, other than the Constitutional renewal. In 1989, the provincial official responsible for native affairs sent a memorandum to the Minister Responsible for Native Affairs summarizing the concerns raised at a 10 January 1989 Meeting of Provincial Officials on Native Affairs. In that memorandum, the official stated that, other than land claims, "the ... major concern, which permeated the consideration of all other 'issues', is the perceived off-loading by the federal government of costs for natives onto the provinces." Provincial officials who have worked in the area more recently, however, indicated that provincial concern about off-loading has diminished in recent years, although it is still a factor.

The second basic assumption that shapes provincial policies and attitudes in the aboriginal affairs area is civic homogeneity. It is the basic policy of the government and all of its agencies that provincial programs and services are available to aboriginal peoples on the same basis as they are to all other provincial citizens. This position was stated repeatedly in conversations and letters from provincial officials to the author. There is a reluctance to create special programs and policies for one group of the Islanders, especially when that group is small and money increasingly scarce. Electoral and fiscal factors undoubtedly add incentives for an homogeneous approach.

The final basic assumption that shapes provincial aboriginal policy is that aboriginal self-government is an inherent right. This assumption was made first by the Ghiz government.<sup>clx</sup> Before that time, the province assumed that aboriginal governments should be created and empowered by agreement between the federal and provincial governments.<sup>clxi</sup> The current assumption about aboriginal self-government, however, is tempered by the province's insistence that the costs associated with recognizing and implementing the inherent right should be borne by the federal government.

## **5.2 Provincial Initiatives**

Most contact between the aboriginal community and the provincial government, other than those included in the tripartite process (discussed later in this paper) or the constitutional renewal processes of the 1980s, have been casual or the result of routine administration of programs of general application. The province has tended to resist special commitments to the native community, especially if they involve on-going financial commitments. For example, in 1978, the provincial Department of Agriculture introduced a Land Clearing Program. When approached by the Native Council of Prince Edward Island about the eligibility of native people for support from this program, the Minister, Mr Bud Ings, said that Indians would have "only the same rights and privileges as other farmers" and must be "really farmers" to qualify.<sup>clxii</sup> In 1975, the province provided money so several natives could attend, along with Catherine Callbeck, the provincial Minister Responsible for Native Affairs, a National Conference on Native Peoples and the Criminal Justice System in Edmonton. However, a year later the province refused to supply travel money to Mi'kmaq delegates to attend follow up meetings of the Canadian Advisory Council on Native Peoples and the Criminal Justice System.<sup>clxiii</sup> Later that year, the Department of Education provided \$200 to the Prince Edward Island Association of Metis and Non-status Indians for the

purchase of softball equipment.<sup>clxiv</sup>

Other casual contacts have been more symbolic than substantive. Thus, in 1974 the Prince Edward Island Metis and Non-status Indian Association presented a brief to the provincial Cabinet.<sup>clxv</sup> More recently, in 1993, the President of the Native Council of Prince Edward Island was invited to meet with the caucus of the governing Liberal Party and to participate in pre-budget consultations with the provincial Treasurer. However, in an interview the President, Mr Graham Tuplin, emphasised that this was a large meeting of representatives of community groups and did not, in his mind, indicate a special reaching out by the province to the Native Council.<sup>clxvi</sup>

Beyond casual and routine contact, most major policy initiatives for aboriginal people have originated with the aboriginal communities or the federal government. The province has rarely volunteered involvement in this policy area. One exception to this was the Province's decision to participate in tri-partite discussion of aboriginal self-government off reserves. Another exception is an Economic Development Fund, which was begun in 1990 and is financed exclusively by the Province. This fund provides a \$30,000 grant each year to the Native Council of Prince Edward Island. The Native Council has complete control over the expenditure of this money and is subject to minimal accountability requirements. The only other exception to the general pattern of non-initiative by the Province has been in the area of constitutional renewal. While Mr Joe Ghiz was Premier, the budget of the Executive Council covered grants to the Native Council to help it prepare its Constitutional position and attend Constitutional Conferences.<sup>clxvii</sup> Other financial commitments by the province for aboriginal policy and programs are all in the area of federal-provincial cost-shared programs. Thus, in the most recent fiscal year, the province contributed \$35,000 as its share of support for the Native Council of Prince Edward Island's Alcohol and Drug Abuse Program, and \$37,000 as its share of support for the Native Council of

Prince Edward Island's participation in the tripartite discussions on aboriginal government off-reserves.<sup>clxviii</sup>

1984-85	\$23,760
1985-86	\$36,500
1986-87	\$52,200
1987-88	\$59,100
1988-89	\$73,922
1989-90	\$71,607
1990-91	\$108,650
1991-92	\$105,271
1992-93	\$109,900

Sources: Public Accounts of Prince Edward Island, various years, Executive Council accounts. Note that when this paper was written, the public accounts for 1992-93 were not available; 1992-93 are based upon estimates, not actual expenditures, which will have been significantly lower due to the failure of the Charlottetown Accord in the fall of 1992. In 1993 the Province changed the way it reports its annual Estimates and it is no longer possible to track grants to specific organizations.

### 5.3 Aboriginal Peoples and the Provincial Elections Act

The disenfranchisement of Indians was common in all provinces.<sup>clxix</sup> Often, this was rationalized by arguing that since reserve land and Indians are unique federal responsibilities and recipients of federal programs, Indians must be uniquely citizens of the federal government, not citizens of the province. This was clearly the thinking for many decades in Prince Edward Island, where the prohibition against voting by aboriginal persons applied directly and only to status Indians living on reserve. This prohibition was lifted in 1963 and status Indians living on reserve voted for the first time in the 1966 provincial general election.

Table 9 provides a national comparison of the granting of the vote to Indians. Clearly,

Prince Edward Island followed the lead of others, it was not innovative. As had been the case in the 1850s when the colony passed an Indian Act to protect reserves even when no reserves existed, the Province amended its election act in this regards because other provinces were doing so.

British Columbia	1949 (1947 for those living off-reserve)
Manitoba	1952
Ontario	1954
Saskatchewan	1960
Federal	1960
New Brunswick	1963
Prince Edward Island	1963
Alberta	1965
Québec	1969
Nova Scotia	Franchise never withheld from Indians.
Newfoundland	Franchise never withheld from Indians.

Source: R. Lueger, "A History of Indian Associations in Canada, 1870-1970", MA Thesis (Ottawa: Carleton, 1977).

Because of the unique electoral system in Prince Edward Island, the prohibition against Indians' voting was not a complete ban. The legislature of Prince Edward Island has two types of representatives, Councillors and Assemblymen. Until 1893, this distinction related to two houses of a bi-cameral legislature. Between 1893 and 1966, both Councillors and Assemblymen sat in the same legislative assembly, but they were elected on different franchises. Each constituency elected a Councillor and an Assemblyman, but the electors for Councillor had to own property in the constituency while Assemblymen were elected first on adult male and later universal adult franchise. Since the 1963 election act came into effect, with the 1966 provincial general election, all members of the Legislative Assembly have been elected by universal adult franchise and the

distinction between Councillor and Assemblyman is largely symbolic.<sup>clxx</sup>

The pre-1963 distinction between Councillors and Assemblymen is relevant to our discussion here because it influenced the type and extent of the prohibition on voting by aboriginal peoples. The definition of electors for Councillor never formally disenfranchised Indians. However, the requirement that electors for Councillor own property in fee simple would have prevented Indians on reserve from voting because reserve land is not and cannot be owned in this way. The pre-1963 provision for electors of Assemblymen allowed "every person except an Indian ordinarily resident in an Indian reserve" to vote. Note, however, that Indians who lived off-reserve were allowed to vote for Assemblymen and Indians who owned property off reserves could vote for Councillors. Also, any citizen, "whether or not a minor or an Indian", who had served in a theatre of war could vote.<sup>clxxi</sup> Thus, the disenfranchisement of aboriginal persons in Prince Edward Island was not simply or merely based on race, although racism was clearly a large part of it.

Perhaps the most interesting and revealing fact relating to the granting of the vote in 1963 is that no one seems to have either noticed or cared that Indians were being admitted to this aspect of provincial citizenship. This neglect and ignorance captures an important aspect of popular and official attitude toward aboriginal peoples in Prince Edward Island, especially in light of the fact that the question of the franchise for status Indians had figured largely in national discussions of Indian policy since the end of the second war. The question had been part of the terms of reference for the Special Joint Committee of the Senate and the House of Commons which had considered the Indian Act from 1946 to 1948, and had just recently been widely discussed in Canada when the federal government removed the ban on Indians voting in 1960.

The 1963 Elections Act had been preceded by a commission on electoral reform, which reported in March 1962.<sup>clxxii</sup> Nowhere in the Report of this commission is the question of allowing

Indians to vote ever mentioned. Furthermore, no briefs were presented to the Commission by or on behalf of aboriginal peoples, and of those briefs that were presented, not one addressed the issue of giving the vote to the Indians.<sup>clxxiii</sup> Ultimately, the Commission's neglect of the rights of aboriginal people led to the logical conclusion: in its "Draft Elections Act", it left the provisions referring to status Indians completely unchanged. Fortunately, between the Commission's Report and the drafting of the 1963 Elections Act, someone within government realized -- without, as far as can be determined, seeking the opinion of the aboriginal community -- that it would be anachronistic to continue denying the provincial vote to status Indians living on reserves. When the Bill was read in the Legislative Assembly, all references to Indians had disappeared, thus putting status Indians living on reserve on the same legal footing as all other provincial citizens. Because the 1963 Act ended the property franchise, even the de facto limitation on reserve-based Indians voting for Councillors was ended.

In spite of the prudence, perhaps wisdom, of those responsible for drafting the legislation, the public ignorance about and neglect of the issue continued after the Bill was introduced. Because the Bill contained several locally controversial aspects -- including the ending of the property qualification and the abolition of some tiny rural ridings -- public debate never once focused on the granting of the vote to aboriginal peoples. In fact, this aspect of the Bill was never once mentioned in the legislature or in any newspaper account. Even the standard academic work on the 1963 Act makes not a single reference to this departure from past policy and law.<sup>clxxiv</sup>

#### **5.4 Aboriginal Peoples and the Provincial Sales Tax**

Beginning in the early 1970s, many provinces have chosen to exempt items purchased by Indians from the provincial sales tax. This reflects deliberate fiscal policy decisions on the part of provincial governments, not aboriginal or treaty rights. Provinces have concluded that since many

services for Indians are paid for by the federal government, and since Indians generally are among the poorest Canadians, they should not be made to pay provincial sales taxes. As the 1978 Prince Edward Island Speech from the Throne put it, "Some registered Status Indians are not provided with many of the regular social benefits from the Province", so they ought to be excluded from paying sales taxes.

The sales tax exemption in Prince Edward Island was introduced in 1978. The exemption applies to all purchases made on or off reserve by status Indians as long as the item purchased is for consumption or use on the reserve. (Vendors are instructed by the province that unless the contrary is obvious, they are to assume that consumption is to take place on the reserve.) Liquor, tobacco, and gasoline are excluded from the exemption.<sup>clxxv</sup>

As was the case with the extension of the provincial franchise or, even, introduction of Indian legislation in the nineteenth century, Prince Edward Island was a follower, not a leader among provinces. Nova Scotia had introduced a sales tax exemption in 1973, and Manitoba, New Brunswick, and Quebec had followed in 1974.<sup>clxxvi</sup> As the government of Prince Edward Island put it in their press release announcing the change, the reason for the sales tax exemption was to "bring Prince Edward Island into line with the majority of the other provinces in Canada."<sup>clxxvii</sup> However, the introduction of the sales tax exemption was not entirely a matter of the Island echoing other provinces. Indians had argued for the introduction of this measure for some time. An article in the January 1978 newsletter of the Native Council of Prince Edward Island states that the band chiefs had "battled" for a sales tax exemption for ten years.<sup>clxxviii</sup> A year earlier, the mainstream press had carried an article on the same matter, under the heading "Tax Displeases Island Indians".<sup>clxxix</sup>

The public reaction to the granting of the sales tax exemption was also typical of public

responses to policies affecting Indians in Prince Edward Island. None of the province's newspapers mentioned the change in their coverage of the provincial budget or the budget debate. In fact, the matter does not appear to have been raised during the budget debate at all. As had been the case in 1963 when the provincial franchise was extended to status Indians, no one noticed.

## **5.5 Provincial Responses to Federal Initiatives**

The modern period of federal-provincial relations in aboriginal affairs, as in other policy areas, began with the development of the welfare state. In the early years of the development of the welfare state in Canada, Indian communities were excluded from provincial services, leaving the Indian Affairs Branch as a monopoly provider of services.<sup>clxxx</sup> However, as the welfare state became established federal decision makers increasingly saw the utility of extending existing provincial services to status Indians living on and off reserve. In the 1950s, a number of provinces seemed willing to accept "a certain degree of responsibility for Indians", but this willingness was soon reduced when it became evident that Indians on reserves would be "high cost" recipients of provincial services.<sup>clxxxi</sup> The federal government found that it had to negotiate agreements and share costs with the provinces if provincial services were going to be extended to status Indians. The Indian Affairs Branch negotiated a number of welfare agreements with provinces in the early 1960s. Indian Affairs was included on the agenda of a federal-provincial conference in 1963<sup>clxxxii</sup> and was the subject of a Ministerial Federal-Provincial Conference in October 1964. Negotiations with provinces had become so important to the Indian Affairs Branch by the 1963-64 fiscal year (due, in part, to the federal policy of integrating Indian children from reserves into provincial schools) that it created a Federal-Provincial Relations Division "to deal exclusively with federal-provincial agreements on Indian Affairs".<sup>clxxxiii</sup>

In general, federal-provincial relations in the aboriginal affairs area have been characterized

by a disagreement between the federal government and most provinces about responsibility for status Indians living off reserves. Since the end of the second war, the federal government has fairly consistently argued that "off-reserve Indians should be viewed as any other provincial citizens by the Provinces".<sup>clxxxiv</sup> Most provinces, however, have argued that federal responsibility extends to all status Indians, regardless of their place of residence.

In the case of Prince Edward Island, federal-provincial relations in the area of Indian Affairs had a low profile, involving no major initiatives and no major disputes. Between the wars, the province signed no agreements concerning trapping, hunting, fishing, or land. At the 1964 Federal-Provincial Ministerial Conference on Indian Affairs, the Province sent the smallest contingent, consisting of the Minister and the Deputy Minister of Welfare and Labour, who contributed very little to the proceedings.<sup>clxxxv</sup> In 1974, the province participated in a federal-provincial study of Indian health problems.<sup>clxxxvi</sup> Indian children from both reserves attend provincial schools (all grades for the Abegweit Band and after grade six for the Lennox Island Band), and the Band pays the school unit a tuition fee for each student. However, there is no formal agreement between the province and the federal government concerning Indian education, and the province provides no special curriculum or other services for Indian students.<sup>clxxxvii</sup>

There are, then, few formal agreements between the province and the federal government involving aboriginal peoples. The province participates in and shares the cost of a tripartite negotiation process that discusses the creation of self-government off reserve. In addition, the province shares with the federal government the cost of funding the Alcohol and Drug Abuse program run by the Native Council of Prince Edward Island. In 1991, the Province entered into an "Agreement Respecting Child Welfare Services for Indian Communities" with the Department of Indian Affairs and Northern Development. This agreement simply assures that provincial services

of general application are available to status Indians and it does this by compensating the Province for the full cost of maintenance of children in care.<sup>clxxxviii</sup> In 1991-92, the province received \$404,000 under this program.<sup>clxxxix</sup> Finally, from 1976-1982 the Province participated in the Native Court Workers Program, but ended its participation when the Bands and the Native Council of Prince Edward Island concluded that the program, as it was then structured, was not needed.<sup>cx</sup>

With respect to Indians living off reserve, it has been the official policy and the actual practice of the Province to treat all citizens equally. Most provinces have, for most of the decades since the end of the second war, imposed special residential or other prerequisites on status Indians living off reserves before they could qualify for provincial services. However, Prince Edward Island has never done this and continues to treat off-reserve Indians in the same way that they treat all other citizens.

## **5.6 Aboriginal Peoples and the Comprehensive Development Plan**

On 7 March 1969, the governments of Canada and Prince Edward Island signed an "Agreement Covering Development Plan for Prince Edward Island". The plan was described as "a fifteen-year federal-provincial program for social and economic advancement". The "Comprehensive Development Plan", as it was generally called, made the entire Island a designated development area under the federal Agriculture and Rural Development Act. The Plan brought millions of federal dollars into Prince Edward Island, which were used for many things, including the rationalization of the agriculture industry, consolidation of the rural and secondary schools, creation of the University of Prince Edward Island, and modernization of the provincial public service. The Plan was to have been implemented in three five-year phases, but the third phase was cancelled. The first phase had the most significant impact on the government, economy, and society of the Island.

There is little doubt that the introduction of the Development plan was one of the most significant events in the modern history of Prince Edward Island, so it is not surprising that it had some effect on the Island's Mi'kmaq community. What is surprising, perhaps, is how little effect it had.

The framers of the Development Plan believed that the Island's Mi'kmaq community would benefit from the plan. The province was to negotiate an agreement with the Minister of Indian Affairs and Northern Development to ensure that the benefits of the Plan were extended to the members of the Lennox Island Band.<sup>cxci</sup> A "Federal/Provincial Committee on Indians" was established and met at least once, in September of 1970.<sup>cxcii</sup> However, in practice, the application of the Development Plan to the Mi'kmaq communities was less than generous and less than complete, perhaps because these same years saw a dramatic growth in programs and funding for status Indians through the Department of Indian Affairs and the Department of the Secretary of State. A former Deputy Minister of the province's Department of Development, the agency charged with the main responsibility for implementing the Development Plan, recalled in an interview that there was always much discussion within the provincial government and between the province and the federal government about whether or not a provincial program should spend money on an Indian reserve. In the end, the main benefit paid for directly from the Development Plan was the bridge connecting Lennox Island to the mainland, which was, indeed, a significant contribution to the development of the community.

Other Development Plan benefits for the Mi'kmaq communities were administered through the Rural Development Council (RDC), which was an autonomous agency hired by the Province to implement the community development components of the Development Plan.<sup>cxciii</sup> Initially, both the RDC and the Band were hopeful that the Plan would lead to significant improvements in the Band's well-being. Chief James Sark was the first community development worker for the Band

and under him the Band created the Lennox Island Development Corporation.<sup>cxciiv</sup> However, in spite of good intentions all around, the Indian component of the RDC's activities seems to have been plagued with difficulties from the outset. The extent of the RDC's obligation to the Lennox Island Band was never clear. The Band believed that it would have a community development worker assigned to it, but the RDC thought this was not necessary. In addition, there was some confusion about the purchase and maintenance of a twelve-passenger bus by the Lennox Island Development Corporation with money loaned by the RDC. However, other activities of the RDC that involved the Mi'kmaq communities appear to have been handled much more routinely. Thus, the RDC files show a pattern of support to the Abegweit Band for fisheries and handicraft development, as well as support for the establishment and operation of the Abegweit Fisheries Cooperative.<sup>cxciiv</sup> However, from the perspective of the Bands at this time, the RDC and the Development Plan were probably of secondary importance. The major support for development and change came directly from various agencies of the federal government.

### **5.7 The Pattern of Provincial Policy Explained**

With only a few notable exceptions, the province of Prince Edward Island has developed very little formal policy for aboriginal peoples. Most of the exceptions are in areas where the federal government is also active, such as the constitutional renewal process and alcohol and the drug abuse program. It is appropriate, now, to summarize some of the reasons that seem best to explain this pattern of policy.

Perhaps the most basic explanations of provincial non-action lie in the basic assumptions that the province makes about aboriginal policy. Since the province assumes, perhaps correctly, that the federal government has primary responsibility for aboriginal people of all legal categories, it is unlikely to volunteer to exercise responsibility itself, especially when it perceives significant

costs associated with the responsibility. Similarly, the basic assumption of civic homogeneity that influences the provincial position militates against the creation of special programs and services.

In addition to these basic assumptions, however, there appear to be other barriers to provincial activity in the aboriginal policy area. One set of barriers exists deeply within the dominant society; the political culture of the dominant society provides a fairly barren ground for the concerns of the aboriginal community. Besides the basic assumption of homogeneity that causes many people to feel offended by special programs for designated groups within society, there is a widespread ignorance within the dominant society about the aboriginal community and aboriginal rights. Certainly, most non-aboriginal Islanders are unaware of the history of injustice and the modern experience of poverty that characterizes aboriginal life on the Island. In fact, it seems likely that most Islanders look at the aboriginal community and, seeing few obvious differences in language, religion, or employment between themselves and the aboriginal people, conclude that no significant differences exist.

The ignorance of most non-aboriginal Islanders about aboriginal history, problems, and rights is aggravated by the perception within the dominant society that Prince Edward Islanders are themselves historical and contemporary victims of injustice and poverty. Islanders see themselves as descendants of a hard-pressed group of settlers who had been dispossessed and exploited by absentee landlords -- the beneficiaries of a hard fought battle for land.<sup>cxcvi</sup> It is difficult for people with such an attitude to support a position that they believe puts all descendants of Europeans into the category of victors and casts only the descendants of aboriginal peoples as victims.

The perception of the dominant society as victim not oppressor is also seen with respect to modern economic development and social welfare policies. Again, many Islanders, like many Maritimers in general, believe that their once-flourishing economy has been systematically

undermined by the economic development policies of the federal government. In addition, the low levels of labour force participation and family income and the high levels of unemployment relative to other parts of Canada confirm, for many Islanders, that they are hard done by. They may even come to believe that the problems experienced by aboriginal people are really no different from the problems experienced by many other Islanders; or, they may come to see aboriginal people as competitors for increasingly scarce economic opportunities and transfer payments. Whatever the conclusion that public opinion arrives at, it is not the sort of opinion that encourages government to innovate in support of aboriginal self-government.

In addition to operating in an environment characterized by a reluctant, possibly hostile, public opinion and political culture, governments in Prince Edward Island are faced with an aboriginal community that is, in relative terms, both politically inarticulate and divided. As we have already seen, the aboriginal political organizations in Prince Edward Island, two bands and the Native Council of Prince Edward Island (NCPEI), do not work well together, especially when it comes to pressuring the province for policy action. In fact, the bands want the province to stay out of the policy area, and the NCPEI believes that the federal government, not the province, has constitutional and fiduciary responsibility for aboriginal peoples. If we consider the influence of the aboriginal community in non-aboriginal political organizations, we find even less reason to expect pressure on the provincial government for policy action. The aboriginal population is relatively thinly and widely spread among several provincial constituencies, thus giving them little influence through the political party and electoral systems. Furthermore, the aboriginal peoples, being relatively poor and poorly educated, are unable to articulate their concerns in a way that public servants are used to and can understand. Finally, there are few non-aboriginal political organizations that have cast themselves as allies of the aboriginal peoples and sought to influence

provincial public policy on behalf of the aboriginal community.<sup>cxvii</sup>

The final explanation of the absence of provincial activity in the aboriginal policy area in Prince Edward Island is that the Province has never developed an institutional capacity to bring aboriginal issues forward during routine decision making. As we have seen, the province has no administrative or policy units charged with the task of considering aboriginal issues. It has a single minister and a single official responsible for aboriginal affairs, neither of whom spends much time working on this "file". In sum, there is little in the political culture, public opinion, party system, electoral system, interest group network, or institutions of government that would cause the provincial government to become involved in aboriginal affairs.

## **6. Assessing the Relationship: The Potential and Support of Aboriginal Self-government**

The purpose of this section is to analyze the potential for the development of aboriginal self-government in Prince Edward Island. The main focus, of course, is on the actions and non-actions of the provincial government. The analysis suggests that the province's support for self-government has been more rhetorical than pragmatic, although there may be good reasons for this. The discussion ends with some modest recommendations that might, if followed, allow the provincial government to be somewhat more supportive of efforts to build aboriginal governments in Canada.

It is worth mentioning, by way of preface to our main discussion, that the form aboriginal institutions for self-government are likely to take in Prince Edward Island is not yet clear. What is clear, however, is that there is unlikely to be a single set of institutions designing and delivering programs and services for all aboriginal people in the province. It is evident that the bands, which have a land base from which to start building their governments, even if that land base is insufficient, do not see themselves acting together, let alone for non-status and off-reserve Indians.

Thus, it seems likely that some set of agencies will have to grow out of or adjacent to the Native Council of Prince Edward Island. In addition to what will probably be three sets of aboriginal agencies in Prince Edward Island, the possibility exists that regional aboriginal agencies and, perhaps, even governments will develop. The Grand Council, for example, is developing a "Constitution of the Mi'kmaq Commonwealth", which envisions a Mi'kmaq government with jurisdiction over the entire traditional Mi'kmaq territory.<sup>cxcviii</sup> In addition, regional social service and economic development agencies might prove viable for the aboriginal communities of the three maritime provinces, although this presupposes a level of cooperation among the various political organizations that is not currently evident.

Whatever the eventual shape of aboriginal governing institutions, the focus of the provincial government's attention is the Native Council of Prince Edward Island.

### **6.1 The Tripartite Negotiations**

The main avenue of provincial support for aboriginal self government since the mid-1980s has been the "Off-Reserve Aboriginal Peoples Self-Government Tripartite Negotiations," discussions that involve representatives of the federal and provincial governments and the Native Council of Prince Edward Island. Participation by the Native Council of Prince Edward Island is made possible by grants from each level of government. In the most recent fiscal year, each government provided \$37,000 to the Native Council of Prince Edward Island for the tripartite process.<sup>cxcix</sup> Prince Edward Island was "a leader in the tripartite process with off-reserve Indians, along with Ontario and Manitoba."<sup>cc</sup> In fact, the process was initiated in this province upon the initiative of the provincial government. (An official with the Native Council of Prince Edward Island suggested in an interview with the author that requiring the Province to initiate the process was "a federal ploy" to reinforce its intention to off-load responsibility for off-reserve and

non-status Indians onto the Province.) The first meeting in the tripartite process occurred on 4 December 1986 and lasted two hours. Eleven people attended that meeting, four from each of the provincial government and the Native Council of Prince Edward Island, and three from the federal Department of Indian Affairs and Northern Development. Following the meeting, the President of the Native Council of Prince Edward Island, Mr Graham Tuplin, said he was "cautiously and guardedly optimistic about where the talks seem to be heading."<sup>cci</sup>

The tripartite negotiations began in earnest early in 1987, but stalled in the aftermath of the failure of the 1983-87 Constitutional process.<sup>ccii</sup> They were revived late in 1987 and in February 1988 the three parties agreed upon a set of objectives and an agenda that continues to guide the discussions. The objectives of the negotiations include the creation of governmental institutions for off-reserve aboriginal peoples, the development of capacity within the off-reserve aboriginal community to design and deliver their own programs, the preservation and enhancement of off-reserve aboriginal culture and heritage, and the promotion of off-reserve aboriginal economic development. The agenda for the negotiations includes twenty specific items, grouped into four general categories: health and welfare, economic development, preparation for self-government, culture and recreation, and "law, order, other."<sup>cciii</sup>

In practice, only one or two items from the general agenda are under negotiation at any one time. The Negotiating Committee meets three or four times a year, but Technical Working Groups dealing with specific agenda items meet more frequently. Generally, the first meeting of the Negotiating Committee each year has discussed priorities and budgets, and then selected one or two items to be examined by technical working groups. The working groups consist of federal officials, public servants from relevant line-agencies in Prince Edward Island, and an official from the Native Council. Generally, proposals are developed by the Native Council and presented to the

federal and provincial participants for reaction. (As the President of the Native Council put it in an interview, all of the proposals are initiated by the Native Council of Prince Edward Island. The federal and provincial representatives say "no" but they never make counter proposals.)

Because the budget of the tripartite process supports only the negotiation of proposals, there is no budget for implementing proposals. Thus, the main function of the federal and provincial officials is to find ways to fund proposals from within existing federal and provincial budgets and programs. So far, working groups have discussed child welfare, the development of a land base for off-reserve aboriginal peoples, self-government preparedness, draft legislation for aboriginal government, a transition house for drug and alcohol abusers, Mi'kmaq language curriculum materials, and economic development proposals. Once a working group has developed a proposal that satisfies all participants, the proposal is discussed by the Tripartite Negotiating Committee. If agreement is reached at this stage, the proposal goes forward to the P.E.I Minister Responsible for Native Affairs, the Federal Minister appointed as interlocutor for Métis, off-reserve Indians, and non-status Indians, and the President and Board of Directors of the Native Council of Prince Edward Island. To implement most proposals that might come out of the process, the Ministers would have to have the approval of their respective Cabinets and the Native Council of Prince Edward Island the approval of its membership. Only three or four working-groups discussions have led to firm proposals to the Ministers, and, until recently, none of these was accepted for implementation.<sup>cciv</sup> The recent exception occurred in 1994, when the Native Council of Prince Edward Island received approval to develop a justice worker and family violence mediation service.

In general, both the Native Council of Prince Edward Island and the Province recognize the weaknesses of the Tripartite Process, but both believe that continuing the process is a prerequisite to any progress at all toward self-government for the off-reserve aboriginal community. The

fundamental problem with the process, all agree, is that it commits the governments involved only to talking; there is no commitment to or budget for implementation. Even a provincial official who was involved in the process for only a short time concluded that it was to be only a forum for talk, but without any real sense of direction or possibility of outcome.<sup>ccv</sup> Mr Graham Tuplin, the President of the Native Council of Prince Edward Island put the matter much more succinctly: "The tripartite process sucks." Mr Tuplin went on to suggest that the process involved just talk, without any possibility of real action or implementation.<sup>ccvi</sup> Others involved in the tripartite process agreed with the general conclusion that the lack of an implementation process is a serious problems.

There is less agreement among participants about the cause of the weakness of the tripartite process. Provincial officials tend to see the problem as one originating with the federal government. Not surprisingly, the province believes that the federal government has a constitutional and fiduciary obligation to fund the implementation of self-government proposals, as well as supporting the negotiation of those proposals. The Native Council agrees that the federal government has been avoiding its responsibility for off-reserve and non-status aboriginal persons, but argues that the province is also less committed to implementing self-government proposals than it could be. The main tripartite negotiator for the Native Council of Prince Edward Island, Mr. Tom Connor, pointed out that when the Native Council of Prince Edward Island develops proposals within the working groups, it takes into account the Province's claim that implementation funding should come from the federal government. Thus, proposals are generally crafted to involve only the moving around of existing program money and resources; they do not require large commitments of money or resources from the province. Still, the province is reluctant to go beyond talking about the proposals.

One episode that seems to support the Native Council of Prince Edward Island conclusion

that the province is not completely committed to going beyond talking about self-government involves a proposal for a Family Strengthening Program. Under this program, the off-reserve aboriginal community would have controlled social and family services through a single aboriginal agency. Funding for the proposal would have been acquired by transferring money from Canada Assistance Plan funding to the aboriginal agency. The federal negotiators in the tripartite process secured the approval of the relevant federal authorities to transfer the money and implement this program. However, the proposal was turned down by the provincial cabinet. A former Minister Responsible for Native Affairs suggested in an interview that the province withheld approval because it was not convinced that the federal commitment was sufficiently firm<sup>ccvii</sup>; another instance of provincial concern about the federal government off-loading costs for aboriginal programs onto the province, perhaps. The Native Council of Prince Edward Island reject this claim and point to the minutes of the Tripartite Negotiating Committee as evidence that the federal commitment could not have been stronger. The provincial official involved in the tripartite process at the time suggested that, perhaps, the province believed that sufficient family services already existed in the province.<sup>ccviii</sup> Whatever the actual reason for provincial rejection of the proposal, the Native Council of Prince Edward Island is less convinced than it was before that the province is serious about implementing self-government for off-reserve aboriginal peoples.

## **6.2 Creating an Economic Base for Self-government**

The development of viable aboriginal governments will require the enhancement of the economic base of the aboriginal community. This is necessary both to make the aboriginal governments and agencies more or less self-supporting and to provide economic cohesion and support to the culture and society of the aboriginal community. One type of economic base that can be provided to aboriginal governments comes from the settlement of outstanding land claims,

which often lead to the infusion of cash into the community, the creation of corporations for economic and social development, and the creation of the infrastructure necessary for participation in the mainstream regional, national, and international economies. The other type of economic base that can be provided to aboriginal communities comes from the development of industries in and for the community. The potential for each of these types of economic bases in Prince Edward Island is discussed below.

### **6.2.1 Land Claims**

There is no doubt that the Mi'kmaq in Prince Edward Island are acutely aware that their lands were taken from them unfairly; that neither warfare nor due process terminated the Mi'kmaq title to the land. It seems inevitable, then, that the aboriginal peoples of Prince Edward Island will launch actions for settlement of outstanding land claims. Such claims are likely to be comprehensive in nature, based on aboriginal and treaty rights, not specific or based upon breaches of trust and obligation. It should be noted that the tripartite process specifically excludes the discussion or development of a land claim, which means that should the Native Council of Prince Edward Island want to pursue such a claim, it would have to do so with funding from another source. It should also be noted that the province of Prince Edward Island has twice had the opportunity to address the issue of unsurrendered aboriginal rights to land, in the reports of the 1973 and 1990 Royal Commissions on the Land. In fact, in 1972, the Lennox Island Band asked the province, in a brief to the Commission, to develop a position on aboriginal land rights; it told a community meeting during the 1990 Royal Commission process that it was still waiting for a response from the province.<sup>ccix</sup> In 1994, the Band still has heard nothing.

Land claims take two forms, comprehensive and specific, either or both of which could lead to settlements that could facilitate aboriginal self-government. Comprehensive claims cover

situations where title to land has never been extinguished. Although the federal government has resisted the notion that a comprehensive claim is possible in the Maritimes, going so far as to decline to negotiate such a claim from the Union of Nova Scotia Indians in 1978, it seems increasingly likely that such a claim is possible. Courts have concluded that the Royal Proclamation of 1763 did apply to the Maritimes, thus creating an obligation for the Crown to negotiate the surrender of aboriginal rights. Furthermore, it is generally agreed by all actors, aboriginal and non-aboriginal, that no such surrender has ever taken place. Finally, it is increasingly evident that the Federal government's position arguing that aboriginal title has been extinguished by legislative and executive actions is not sustainable. Thus, the entire Maritime region, may be subject to a comprehensive claim. As one legal scholar has said of the situation in Prince Edward Island, "the Micmacs of Prince Edward Island may be entitled to recover possession of all unceded lands which had been in their possession in 1763, or at least to compensation for the loss of these lands without a proper surrender."<sup>ccx</sup> Of course, which groups of Island Mi'kmaq benefit from such compensation is not clear.

With respect to specific claims, until recently, the colonial government's failure to protect Indian lands did not provide a base for compensation. Until 1992, the specific claims policy repeatedly referred to the breaches of obligation by the federal government and explicitly stated that "no claims shall be entered based on events prior to 1867 unless the federal government specifically assumed responsibility therefor".<sup>ccxi</sup> Furthermore, because the Island Government never passed legislation making itself the clear trustee of the Indians' rights and never established trust accounts for Indian funds, it was difficult for the aboriginal community to seek settlement of these claims directly from the Province. However, in 1992 the Federal Government changed the specific claims policy to include pre-Confederation claims. In the Prince Edward Island context, this opened a

number of possibilities. We saw earlier in this paper that the Mi'kmaq community lost the use and benefit of Indian Island in Murray Harbour in the 1840s, two farm plots in Lot 55 and one farm plot in Lot 15 in the 1850s, and a tract of land on the east side of Charlottetown harbour in the mid-1860s. No specific claims have been launched to date, but there might be potential for such claims.

### **6.2.2 Economic Development**

Potential exists for economic development within the aboriginal community, both on- and off-reserve. Programs could be developed to assist the aboriginal communities to benefit from the major economic activities in the province, agriculture, tourism, and fishing. However, there have been few initiatives in this area, especially involving the province. The Native Council of Prince Edward Island runs the Lnuitasik School and Lnuitasik Company. The former trains people in traditional crafts and the latter is intended to help market those crafts. Both are funded by the Native Council out of an Economic Development Grant provided by the Province. Economic development programs for reserve-based Mi'kmaq are funded by various federal agencies.

One industry that has seen some action on the part of the aboriginal community is the fishery.<sup>ccxii</sup> In Prince Edward Island, as in other parts of Canada, the right of aboriginal communities to operate a food fishery is being acted upon and the federal Department Fisheries and Oceans has moved to include the aboriginal communities in the management of the fish resources. However, also as in other parts of Canada, the aboriginal fishery has so far generated controversy as much as it has created economic opportunity. Thus, in 1991, the Lennox Island Band signed an agreement with the Department of Fisheries and Oceans (DFO) that accommodated a certain amount of fishing by Band members. In the summer of 1993, however, the Band concluded that their aboriginal rights and their hunting and fishing rights under the 1752 Treaty with Britain

allowed them to take more lobster than permitted under their agreement with DFO. Predictably, non-aboriginal fishers, who pay large license fees and operate in a highly regulated industry, expressed opposition to the sudden emergence of a significant aboriginal fishery in Prince Edward Island. In August 1993, a major public controversy emerged when non-aboriginal fishers accused Lennox Island fishers of taking tons of lobsters illegally.<sup>ccxiii</sup> Although the various parties involved in this controversy have been working out new approaches to managing the fishery, the controversy may not yet be over. Meanwhile, the Native Council of Prince Edward Island, arguing that the aboriginal right to fish for food applies to the aboriginal people it represents as well as to those living on reserves, has an active program of promoting an aboriginal fishery among off-reserve aboriginal people.

With respect to the economic (and social and cultural) development of the off-reserve aboriginal community, it is probably necessary to create a land base for the community. The Native Council of Prince Edward Island has addressed this matter within the tripartite negotiations, and has made proposals to the Province for the acquisition of specific parcels of land that might be used for several purposes, including cultural development, housing, recreation, and economic development. These proposals did not get beyond discussion by the Tripartite Negotiating Committee. The President of the Native Council of Prince Edward Island, Mr Graham Tuplin, does not think that either the provincial or the federal government is very interested in settling the land question.<sup>ccxiv</sup> However, while the province did not act on the Native Council of Prince Edward Island proposal, it did come up with a surprising proposal of its own in 1992.

In the fall of 1992, the Province, upon the initiative of the Premier's office, offered to provide the Prince Edward Island aboriginal community with a fully operating farm -- a turn-key operation -- that would provide economic development, cash flow, and training for the aboriginal

community.<sup>ccxv</sup> The proposal was a serious one and the province was fully prepared to carry through. It had arranged with the vendor of the operation to stay on for a period after the sale to manage affairs and train new managers.

The timing of this initiative was not accidental. The province, and especially the Premier, Joe Ghiz, was particularly supportive of the aboriginal government provisions proposed in the Charlottetown Constitutional Accord. Mr Ghiz became very interested in aboriginal rights and was a major advocate for recognizing the inherent right to self-government and for moving quickly to settle historical grievances and build a new order of government in Canada. Sometime between the signing of the Charlottetown Accord and the national referendum on that Accord, Mr Ghiz and his advisor on aboriginal affairs decided that the province should act in support of self government, and not simply talk about supporting it.<sup>ccxvi</sup> Thus, enthusiasm about the apparent Constitutional break through carried over into this provincial initiative.

Although there can be little doubt that the offer was made in all seriousness and good faith, the province held only a single meeting with aboriginal leaders about it. Two problems intervened.

First, the failure of the Charlottetown Accord, in the words of the Minister then responsible for Native Affairs, Paul Connolly, "took the wind out of the province's sails." Mr Connolly described the failure of the Charlottetown Accord and the subsequent loss of momentum for the farm offer as "a tremendous tragedy."

The second problem with this economic development initiative was that the province insisted that the entire aboriginal community be involved in it. Thus, although the Native Council of Prince Edward Island was to have been the owner of the operation, management of it would have been shared by the Native Council of Prince Edward Island and the two Band Councils in the province. In fact, the offer was introduced at what was probably the only meeting that the province

has ever held with the leaders of all three aboriginal political organizations. Aboriginal participants were quite surprised by the offer and it seems unlikely that the Bands took it very seriously. Certainly, in light of the Native Council of Prince Edward Island proposals for a land base that had been made within the tripartite process not too long before this offer was made, and in light of the existing land base for the Band Councils, the Native Council of Prince Edward Island must have found the inclusion of the Bands in the offer very strange indeed. Even if the offer had been developed further, then, it would have been a challenge to all concerned to implement the proposal as envisioned by the province. In any event, after the defeat of the Charlottetown Accord the offer disappeared and has not been raised again.

### **6.3 Creating a Social-policy Base for Self-government**

In addition to creating an economic base for aboriginal self-government, it is necessary to create institutions and procedures that will allow the aboriginal community to design and deliver their own social programs. This is especially the case in areas of social policy that affect or reflect the cultural identity the aboriginal community, such as education. Aboriginal control is also important in areas where aboriginal people suffer disadvantages compared to the dominant society, such as justice, and where solutions to social problems must grow out of the experiences of the aboriginal community, such as family services.

In Prince Edward Island, the two Bands have access to federal government support for the development of aboriginal agencies in many of these area. Thus, Lennox Island operates its own school and participates in the Aboriginal Justice Program. The province supports both these initiatives, but is only a tangential player. The Department of Education and Human Resources provides text books for the John J. Sark Memorial School on Lennox Island and some in-service training for teachers at that school, but it does this in accordance with its general policy that

"aboriginal peoples have the same access and entitlement to government programs and services as all citizens of the province,"<sup>ccxvii</sup> not as part of a policy in support of aboriginal self-determination.

With respect to aboriginal peoples living off-reserve, the development of social institutions and agencies is more difficult. Certainly some federal programs, like the Aboriginal Justice Program, and various aboriginal housing programs, are adaptable for the off-reserve community. However, it is more difficult for the off-reserve community to develop other institutions without significant assistance from the Province. So far, that assistance has not been very forthcoming.

The Province has had a number of occasions to help the Native Council of Prince Edward Island establish institutions and agencies that would provide a social-policy base for aboriginal self-government. These have included support for the Niap-Jip Child Care Centre Project, which was not offered, and approval of the Family Strengthening Program proposal from the Tripartite negotiating committee (which would have led to the creation of the Abegweit Child and Family Services Agency), which was denied. Certainly the province does support and help fund the Alcohol and Drug Abuse Program run by the Native Council of Prince Edward Island, but the province effectively scuppered the creation of the Ankamsi Transition House. The Ankamsi Transition House was started with funding from the National Drug Strategy. It opened in the spring of 1989.<sup>ccxviii</sup> Federal and provincial officials strongly supported the operation of a separate aboriginal transition house. In fact, the late director of Addiction Service P.E.I., Dr. Leo Killorn, is reported to have been very much in favour of the existence of Ankamsi House.<sup>ccxix</sup> However, the province found itself unable to support the complete separation of Ankamsi House from Addiction Services P.E.I. because it had recently instituted a policy of administering all such services centrally. This policy had led to the closing of a transition house for women, amid great public controversy. The province found that it could not, having created and weathered a storm around

the existence of one transition house, then support the separate existence of another. Thus, the province insisted that funding for and administration of Ankamsi House be handled through Addiction Services P.E.I., a condition that was not acceptable to the Native Council of Prince Edward Island, which abandoned the project.<sup>ccxx</sup> There is room for improvement, then, in the province's level support for the social-policy base for aboriginal self-government.

## **7. Conclusion**

The narrative and analysis above suggests that there are a number of initiatives that the province might take to promote aboriginal self-government in Prince Edward Island. However, before we summarize some of those things, it is important to remind the reader that whatever the provincial government does is likely to continue to focus on the development of self-government for off-reserve aboriginal people. It is unlikely that either Band will develop a desire to work closely with the province or with the Native Council of Prince Edward Island in the creation of shared agencies and institutions of self-government. Having said this, though, we must add that the province must remain open to the possibility of helping the various aboriginal political organizations coordinate their activities.<sup>ccxxi</sup>

The most basic thing that the province can do to improve its relations with the aboriginal community and enhance the likelihood of self-government is to improve the place of aboriginal issues on the provincial policy agenda. In part, this means recognizing that many routine decisions in many policy areas have an impact on the aboriginal community and its political institutions. Currently, aboriginal concerns are completely tangential to main stream decision-making processes.

It is, perhaps, worth mentioning in this context, that in the current round of government reform in P.E.I, which includes restructuring of programs in education, health, and social services, no mention has been made of the place of services for the aboriginal community under the future

regime. Mr Graham Tuplin, the President of the Native Council of Prince Edward Island, observed in an interview for this paper that the province fails to recognize that decisions in policy areas such as fishing, agriculture, and forestry affect the aboriginal community in unique and important ways. Similarly, he pointed to recent changes in the provincial Adoption Act. Having found out about the changes accidentally, Mr Tuplin had to fight his way into the decision-making process. Aboriginal concerns should have been routinely considered in an area like this. He said that the province rarely, if ever, consults with the aboriginal community about decisions that might affect them, a point with which provincial officials agree.<sup>ccxxii</sup> Aboriginal people should not have to find out by accident about policy innovations that might affect them. Nor should they have to fight their way into decision-making processes. Mr Tuplin also said that every time he makes a presentation to the Provincial Cabinet or to specific Ministers, it is clear to him that the Ministers have not familiarized themselves with aboriginal concerns or even with previous presentations by the Native Council of Prince Edward Island; each briefing must be pitched as if no other briefing had taken place.

Improving awareness about aboriginal issues and recognizing the importance of routine decisions to the aboriginal community need not cost the province very much. A program to recruit aboriginal peoples into the provincial public service would help. So would a program to educate public servants about aboriginal rights and concerns. In fact, the Native Council of Prince Edward Island has suggested recruitment and training programs to the provincial government and would be willing to provide education at very low cost, but the province has rarely expressed an interest in pursuing this with the Council.<sup>ccxxiii</sup> With respect to decision-making, the province could create a capacity within the Executive Council Office, or adjacent to it, to introduce aboriginal concerns when necessary and to coordinate decision-making that affects the aboriginal community. The

current Women's Secretariat provides a model of such a central agency in the province.

Of course, the province will have to abandon at least two assumptions that shape decision-makers' attitudes to the aboriginal community and issues affecting it. First, it must pay less attention to the size of the aboriginal population in Prince Edward Island. The assumption that because the aboriginal population is so small it should not be given special consideration is not a viable assumption. Second, the provincial government and non-aboriginal citizens must not insist on applying a simplistic view of society as homogeneous when issues affecting the aboriginal people are under discussion. Justice and rights demand special attention to the aboriginal population regardless of numbers and regardless of how other citizens are treated. Prince Edward Islanders need to familiarize themselves with the idea that aboriginal peoples are "citizens plus". Islanders, as members of a community of only 130,000 citizens, with a provincial government equal in power and legitimacy to the governments that serve communities of several million, and with four representatives in the House of Commons where other groups of similar size might have only one, and with a motto that promises that "the small are protected by the great" should instinctively recognize the idea of citizens plus.

Besides the possibly difficult task of changing attitudes and giving aboriginal issues higher priority, the province and the federal government are going to have to resolve the ambiguity surrounding jurisdiction and responsibility for non-status and off-reserve Indians. Unless the federal government admits its jurisdiction and fiduciary responsibility, or the province suddenly decides to shoulder this responsibility itself, it will be impossible to negotiate meaningful change for aboriginal peoples off-reserve. The tripartite negotiation process has generated many good and workable specific proposals, including proposals for the acquisition of a land base for off-reserve aboriginal peoples. But these proposals and the entire tripartite process will lead nowhere until one

(or both) of the provincial and federal governments puts its money where its collective mouth has been since 1987.

To conclude this paper, however, the author must admit to pessimism on the prospects for provincial support for aboriginal self-government. Certainly, the province has shown some leadership in supporting off-reserve aboriginal peoples, particularly in its support of the Alcohol and Drug Abuse Program run by the Native Council of Prince Edward Island, its funding of participation by the Native Council of Prince Edward Island in the tripartite self-government negotiations, and its funding for the Native Council of Prince Edward Island during the constitutional reform discussion of the late 1980s and early 1990s. In addition, one must respect the dedication and concern of officials who have devoted many hours of work to the Native Affairs file. However, much of enthusiasm for aboriginal self-government in recent years came directly from the Premier, Joe Ghiz, and his office. With the departure of Ghiz and his aboriginal affairs adviser from the centre of government, aboriginal affairs seems likely to return to the margins of the province's concerns. Furthermore, the priorities of the Callbeck government have been reforming the structure and functions of government and reducing the annual budgetary deficit. This has meant, and will continue to mean, that the government of Prince Edward Island will reduce services and expenditures and be less, not more, willing to undertake new initiatives. In fact, the government is likely to examine carefully its present small financial commitments to the Native Council of Prince Edward Island, at least to the extent of imposing greater accountability requirements than it has up to now. Unless the federal government's recent commitment to the rapid development of aboriginal self-government is accompanied by a generous purse -- one that compensates the province as well as funds aboriginal organizations -- it is difficult to see the government of Prince Edward Island supporting change with much enthusiasm.



## **Methodology and Acknowledgements**

As is evident from the citations and bibliography, this paper is based upon extensive reading in the secondary literature supplemented by archival and interview research. Reliance upon interviews caused one of the major methodological weaknesses of this undertaking. While governmental officials and members of the Native Council of Prince Edward Island were generous with their time and information, the author did not have such ready access to officials of either Band. The Chief of the Abegweit Band chose not to be interviewed and did not comment upon a draft of the paper that was sent to him. Officials of the Lennox Island Band were simply difficult to contact and did not respond to letters. As a result, the data available to the author was rich with respect to the NCPEI, but less so with respect to the bands. The author attempted to compensate for this by seeking information indirectly from other participants in the aboriginal affairs policy community. However, the picture presented in this paper is inevitably distorted, with the NCPEI appearing somewhat larger and the bands somewhat smaller than they actually are. The analysis of the relationship between the Aboriginal community and the province is probably fairly accurate, however, since the NCPEI is the main aboriginal actor in that relationship.

The author is enormously grateful to the several people from the Native Council of Prince Edward Island who gave access to themselves and a large number of files, especially relating to the history of aboriginal/non-aboriginal relations in Prince Edward Island. Similar gratitude is felt toward the many officials in the provincial government who talked to me and answered my written inquiries. At the University of Prince Edward Island, student assistants Junior Gallant, Holly Ayotte, and Carol Tuplin were helpful, as were the reference librarians at the P.E.I. Collection in the Robertson Library.

An earlier draft of this paper was sent to twenty readers in P.E.I., including most of those

interviewed during research, and to three referees selected by the RCAP. The comments received from these readers improved the paper significantly. Remaining errors of fact or interpretation are, of course, the sole responsibility of the author.

## Notes

- i. Quotations in this paragraph are from Upton, Micmacs and Colonists, p. 113.
- ii. Upton, Micmacs and Colonists, p. 2; Paul, p. 40; Dickason, p. 111; Baldwin, p. 23.
- iii. Upton, Micmacs and Colonists, pp. 2-3; Baldwin, p. 23. Baldwin (p. 29), building on others' arguments, suggests that the Mi'kmaq settlements on Prince Edward Island were probably summer settlements only. However, Louis Pellissier (p. 17) points out that while the large encampments on the north shore were almost certainly summer encampments consisting of many small bands, some of these smaller bands may have wintered on the island, too. There is insufficient evidence to either substantiate or rule out such over-wintering.
- iv. Quotations in this paragraph are from Upton, Micmacs and Colonists, pp. 4, 7 and 15. See also Maloney, pp. 1-10 and Baldwin, pp. 23-26.
- v. Baldwin, p. 28.
- vi. Cartier may not have been the first European to meet the Mi'kmaq. "According to John Thomas Sarc, Chief of the Micmac Indians of Prince Edward Island (1897-1927), 'Almost certainly they [the Micmacs] were the first Canadian Indians ever seen by white men, for we believe Sebastian Cabot carried three of them away with him in 1497, only five years after Columbus' first voyage.'" McKenna, "Indian-White Relations...", p. 7.
- vii. Dickason, p. 111, points out that the other aboriginal nation in the region, the Maliseet, dropped to 800. Typhus alone destroyed one-third of the Mi'kmaq nation during the eighteenth century (Purich, p.28). Trigger at pp. 238-239 points out the uncertainty among scholars about the cause of Mi'kmaq population decline. The exact beginning of the population decline is unclear, but imported epidemics do not appear to have been a major factor until the seventeenth century. Before that time, endemic diseases, made more deadly by Mi'kmaq dietary changes, may have been a major cause of population decline. Virginia Miller emphasises the impact of dietary change and decreased family size on Mi'kmaq population. See her "The Micmac: A Maritime Woodland Group", in Morrison and Wilson, pp. 341-343. See also VanWart, pp. 573-77.
- viii. Grant, p. 21.
- ix. By the time French explorers, missionaries, traders, and military officials arrived in the New World, the Mi'kmaq had already incorporated the Europeans into their lives. The seasonal comings and goings of European fishers had, for some time, allowed the Mi'kmaq to acquire European goods in exchange for furs. See Upton, Micmacs and Colonists, pp. 17-18.
- x. Grant, p. 67. Some of the reasons for the outstanding success of French missionaries are discussed by Dickason at pp. 110-11.

- xi. As L.F.S. Upton put it, "Lack of power, not of desire, prevented the French from directing the acculturation of the Indians to European society." Micmacs and Colonists, pp. 16-17.
- xii. Crossley, "The Making of Canadian Indian Policy to 1946", chapter 2.
- xiii. Modern Mi'kmaq leaders continue to point to the Mi'kmaq-French relationship as being based on "mutual cooperation and respect". In one article, members of the executive of the Grand Council of the Mi'kmaq nation claim that the two major effects of the French on the Mi'kmaq were disease and Roman Catholicism. See "The Covenant Chain" in Richardson, ed., p. 77.
- xiv. Davis, p. 32.
- xv. Pellissier, p. 19.
- xvi. Upton, "Indians and Islanders", p. 21.
- xvii. This passage and previous quotation are from Virginia Miller, p. 343.
- xviii. For discussions of the Indian policy contained in the Royal Proclamation of 1763, see: Stagg, *passim*; J.R. Miller, pp. 71 ff; Crossley, "The Making of Canadian Indian Policy to 1946", pp. 110-123.
- xix. This analysis is developed at length in -- indeed, it is the central thesis of -- Crossley, "The Making of Canadian Indian Policy to 1946".
- xx. The first census of Indians in P.E.I., in 1856, counted only 309 persons. Pellissier, p. 21.
- xxi. Quoted in Upton, Micmacs and Colonists p. 115.
- xxii. Pellissier, p. 20.
- xxiii. Both quotations in this paragraph: Upton, Micmacs and Colonists, p. 114.
- xxiv. This brief account of the establishment of the Lennox Island Reserve is based upon the following sources: Journals of the House of Assembly of Prince Edward Island: 8 April 1831, p. 20; 9 April 1831, p. 22; 23 April 1831, p. 43; 28 April 1831, pp. 14-15; 5 January 1832, p. 9; 7 January 1832, pp. 11-12; 10 April 1840, p. 110; 14 April 1840, pp. 120 and 124; 15 April 1840, p. 125; 1840 Appendix N; 19 March 1841, pp. 121-22. Other sources included p. 20; Upton, Micmacs and Colonists; McMahon; MacEachern, "Theophilus Stewart and the Plight of the Micmac"; Bartlett, Indian Reserves and Aboriginal Lands in Canada.
- xxv. McMahon, pp. 11 & 15. It should be noted that because Lennox Island was purchased by a private society and subsequently transferred to Canada, the underlying title to the land is with Canada, not the province. This differs from reserves in many other provinces, where the underlying title, derived from Crown land, is with the Crown in right of the province. See Bartlett, Indian Reserves and Aboriginal Lands in Canada, p. 88.

- xxvi. This paragraph draws upon Upton, Micmacs and Colonists, p. 122; Journals of the Legislative Assembly of Prince Edward Island 1872, Appendix B-4.
- xxvii. See Journals of the Legislative Assembly of Prince Edward Island: 6 April 1843, p. 121; 8 April 1861, p. 109; 18 April 1861, p. 143; 19 April 1861, pp. 143-44; 22 April 1843, p. 164; 7 March 1962, p. 34.
- xxviii. Minutes of the Executive Council of Prince Edward Island, 2 September 1852, M564.
- xxix. Upton, Micmacs and Colonists, Micmacs and Colonists, p. 118.
- xxx. Gould and Semple, p. 36.
- xxxi. Journals of the Legislative Assembly of Prince Edward Island, Friday, 7 March 1861, p. 34.
- xxxii. Journals of the Legislative Assembly of Prince Edward Island, Tuesday, 8 May 1866, p. 93.
- xxxiii. Journals of the Legislative Assembly of Prince Edward Island, Friday, 11 May 1866.
- xxxiv. Minutes of the Executive Council, quoted in Gould and Semple, p. 38.
- xxxv. Gould and Semple, p. 36.
- xxxvi. Journals of the Legislative Assembly of Prince Edward Island, Monday, 7 May 1866, pp. 89-90.
- xxxvii. Gould and Semple, p. 35.
- xxxviii. Journals of the Legislative Assembly of Prince Edward Island, 29 March 1858, pp. 90-91; 1 April 1858, p. 118.
- xxxix. Canada, Indian Treaties and Surrenders, Volume I, pp. 323-24, surrender number 137.
- xl. Journals of the Legislative Assembly of Prince Edward Island, 19 April 1875, pp. 89-90; 13 April 1877, pp. 143-44; 9 April 1878, pp. 119-20; 1878 Appendix F, "Report of the Commissioner of Crown and Public Lands for the Year 1878." Also Minutes of the Executive Council, 10 June 1878.
- xli. Upton, Micmacs and Colonists, p. 118.
- xlii. MacEachern, "Theophilus Stewart and the Plight of the Micmac", pp. 5-6.
- xliii. Upton, Micmacs and Colonists, p. 118.
- xliv. Journals of the Legislative Assembly of Prince Edward Island, Monday, 7 May 1866, p. 86; Tuesday, 8 May 1866, p. 93.

xliv. Bartlett, Indian Reserves and Aboriginal Lands in Canada, pp. 87-88 and Indian Reserves in Atlantic Canada, p. 7.

xlvi. For an analysis of the redefinition of the "Indian problem" after colonization, see Crossley, "The Making of Canadian Indian Policy to 1946", chapter 4.

xlvii. Pellissier, p. 20.

xlviii. Journals of the Legislative Assembly of Prince Edward Island, Monday, 19 March 1860, p. 56. Another petition seeking a prohibition on the sale of alcohol to Indians was received by the Assembly on 19 April 1861. See Journals of the Legislative Assembly of Prince Edward Island, 19 April 1861, p. 146.

xlix. The Acts of the General Assembly of Prince Edward Island, from 1853 to 1862, Vol II, 1862, Chap. 5.

i. For the story of Thomas Irwin and his treatment by the Legislative Assembly see Upton, "Thomas Irwin: Champion of the Micmacs," pp. 13-16. See also Journals of the Legislative Assembly of Prince Edward Island, 8 April 1831, p. 21; 9 April 1831, p. 22; 23 April 1831, p. 43; 28 April 1831, pp. 14-15; 29 April 1831, p. 57; 7 January 1832, pp. 11-12; 19 February 1840, p. 31; 21 March 1840, p. 77; 28 March 1840, p. 91; 11 February 1843, p. 28; 20 March 1843, pp. 79-80.

li. Upton, Micmacs and Colonists, p. 117. Johnson at p. 22 notes that the P.E.I. legislation "borrowed heavily from the 1842 Nova Scotia [Indian] Act."

lii. Patterson II, pp. 63-65; Dickason, pp. 230-31.

liii. Upton, Micmacs and Colonists, p.106. See also Hamilton and Spray, especially items 38-46 concerning lands and reserves, and items 54-58 concerning M.H. Perley's 1841 reports on Indian affairs in the province. Also Dickason, pp. 230-231.

liv. Acts of the General Assembly of Prince Edward Island, from 1853 to 1862, vol. II, 1856, cap. X, "An Act relating to the Indians of Prince Edward Island", preamble.

lv. Gould and Semple, pp. 36-38.

lvi. The author is grateful for the fine work done by Alan MacEachern on Theophilus Stewart. See the bibliography for information on his two pieces.

lvii. Journals of the House of Assembly, Saturday, 28 March 1840, p. 91.

lviii. Journals of the House of Assembly, Friday, 10 April 1840, pp. 108-09.

lix. Journals of the House of Assembly, 11 March 1843, p. 68.

lx. Journals of the House of Assembly, 6 April 1843, p. 121.

- lxi. Journals of the House of Assembly, Thursday, 2 April 1846, p. 87.
- lxii. Journals of the House of Assembly, Tuesday, 25 April 1848, p. 152.
- lxiii. Journals of the Legislative Assembly, Saturday, 27 March 1869, p. 46.
- lxiv. Journals of the Legislative Assembly, 1870, Appendix Z, "Report of Visitors of Schools".
- lxv. See the summary of the debate on supply in the Prince Edward Island Legislative Assembly, 19 March 1870, in The Parliamentary Reporter (Charlottetown) of that date.
- lxvi. See Hamilton, p. 81.
- lxvii. Pellissier, p. 20.
- lxviii. In 1857, the Legislative Assembly voted ,60 for relief of destitute Indians and ,650 for "paupers (Journals of the Legislative Assembly, Tuesday, 24 March 1857, p. 43). In 1858, the amounts were ,40 for Indians and ,650 for paupers (Journals of the Legislative Assembly, Friday, 26 February 1858, p. 22). In 1859, the relevant amounts were ,25 and ,500 (Journals of the Legislative Assembly, Thursday, 5 May 1859, p. 22). It should be noted that on a per capita basis, the amount set aside for relief of Indians was much higher than the amount set aside for the general population; ,.2 per individual Indian compared to ,.009 per non-Indian citizen in 1857, based on population numbers from the 1855 census.
- lxix. Discussion of such petitions can be found in Journals of the House of Assembly and Journals of the Legislative Assembly of Prince Edward Island, 17 February 1834, p. 20; 10 March 1834, p. 50; 11 March 1843, p. 69; 20 March 1848, pp. 79-80; 15 April 1848, p. 151; 2 and 3 May 1848, p. 115 and ff.
- lxx. Journals of the Legislative Assembly, Tuesday, 2 May 1854, p. 115 and Wednesday, 3 May 1854.
- lxxi. Journals of the Legislative Assembly, Thursday, 15 February 1855, pp. 28 and 34.
- lxxii. Journals of the Legislative Assembly, Monday, 19 March 1855, p. 73.
- lxxiii. In 1856, the Assembly did not use the Commissioners for relief payments. In that year, they voted ,40 for relief of Indians, to be spent "on the recommendation of the Clergy of the Island". See Journals of the Legislative Assembly, Saturday, 1 March 1856, p. 32.
- lxxiv. See Journals of the Legislative Assembly, Tuesday, 24 March 1857, p. 43 and Tuesday 7 April 1857, p. 76. Channelling relief payments through the Indian Commissioners allowed the Assembly to avoid discussing one petition from destitute Indians that year. See Journals of the Legislative Assembly, Saturday, 14 March 1857, p. 20.
- lxxv. Journals of the Legislative Assembly, Tuesday, 25 March 1858, p. 75.

lxxvi. Journals of the Legislative Assembly: Thursday, 5 May 1859, p. 58; Wednesday, 18 April 1860, p. 124; Thursday, 18 April 1861, p. 138.

lxxvii. MacEachern, "Theophilus Stewart and the Plight of the Micmac", p. 6.

lxxviii. Journals of the Legislative Assembly: Saturday, 20 April 1861, p. 148; Tuesday, 23 April 1861, p. 167; Wednesday, 24 April 1861, p. 168.

lxxix. Journals of the Legislative Assembly of Prince Edward Island, 8 April 1862, Appendix Y.

lxxx. Journals of the Legislative Assembly, 8 April 1862, p. 107.

lxxxii. Journals of the Legislative Assembly, 11 April 1862, p. 129. The money was allocated in the following way: , 15 to Rev. Mr. McRay for Indians in Prince County (which includes Lennox Island); , 10 to Rev. David MacDonald for Indians in Queen's County; and , 5 to Rev. F.J. MacDonald for Indians in King's County.

lxxxii. MacEachern, "Theophilus Stewart and the Plight of the Micmac", p. 9.

lxxxiii. In January 1866, Theophilus Stewart wrote to the Executive Council pointing out the absolute misery of Indians in Lot (township) 65. The Executive Council authorized an expenditure of , 15 to the Hon. Mr. Davies for the relief of those Indians. See Minutes of the Executive Council of Prince Edward Island, 16 January 1866, M567.

lxxxiv. MacEachern, "Theophilus Stewart and the Plight of the Micmac", p. 9.

lxxxv. Journals of the Legislative Assembly: Tuesday, 30 April 1867, p. 41; Tuesday, 23 March 1869, p. 36; Thursday, 1 April, 1869, Appendix T (Report of Theophilus Stewart); Saturday, 19 March 1870, p. 24; 11 May 1872, Appendix P (Report of Theophilus Stewart).

lxxxvi. MacEachern, "The Bump of Benevolence", p. 62.

lxxxvii. Campbell, p. 85.

lxxxviii. Canada, Statistics Canada, The Daily, Tuesday, 30 March 1993. According to an article in the Micmac-Maliseet Nation News (April 1993, p. 26), the 1991 Census numbers have caused some debate within and between the aboriginal groups. In Nova Scotia, there was a 54% increase in the number of people reporting aboriginal ancestry between 1986 and 1991. In PEI, the increase was just over 45%. Basically, the aboriginal political organizations that represent non-status Indians, who have always claimed to be under-counted, say that the census has finally accurately counted aboriginal people. The political organizations that represent Bands (Confederacy of Mainland Micmac, e.g.) claim that the numbers have been inflated by people who have suddenly discovered that it might be an advantage to be an Indian, due to land claims settlements, economic development funds, etc.

lxxxix. Canada, Department of Indian Affairs and Northern Development, Schedule of Indian Bands, Reserves and Settlements, p. 5.

xc. Unless otherwise indicated, all data in this section are from charts and tables prepared for this project by the Research Directorate, Royal Commission on Aboriginal Peoples, from the 1991 Census of Canada and the 1991 Aboriginal Peoples' Survey.

xc. Lautard, pp. 74-75.

xcii. Obertle, p. 5.

xciii. Lautard, pp. 61-68.

xciv. A 1974 Law Reform Commission study found no native people among the 152 persons convicted of indictable offenses in P.E.I. In the Maritimes in general, roughly 4% of the population of penitentiaries was aboriginal in 1981, which is higher than the proportion of aboriginal people in the general population. See Frideres, p. 204.

xcv. This brief history of the NCPEI is based largely on Our Struggle for a Better Future, Native Council of Prince Edward Island, 1993, and interviews with NCPEI President Mr Graham Tuplin and NCPEI staffer Mr Tom Connor. Other sources are indicated with citations in the appropriate place.

xcvi. Native Council of Prince Edward Island, Our Struggle for a Better Future.

xcvii. In February, 1994, the Native Council of Canada changed its name to the Congress of Aboriginal Peoples. At the time this paper was written it was not know whether the NCPEI would also change its name.

xcviii. The Maritime Provinces Aboriginal Rights and Land Claims Research Project was begun in January 1978, although the proposals from the three provincial associations were developed during 1977 (Gigmanag, vol 3., no. ?, July 1978, p. 10). NCPEI files contain copies of various reports from the Maritime Provinces Aboriginal Rights and Land Claims Commission, and from the P.E.I. Section of the Commission. The findings of the Commission were published Gould and Semple, Our Land, the Maritimes.

xcix. Federal funding for the NCPEI, as for other off-reserve aboriginal organizations, has been cut dramatically in recent years. In 1989, for example, the Aboriginal Representative Organization Program of the Department of the Secretary of State was cut by 15% (Gigmanag, vol. 13, no. 4, April 1989, p. 1). Also in 1989, the Native Communication Program, the Language Retention Program, and the CORE Funding program were reduced or eliminated (Gigmanag, vol. 13, no. 7, July 1989, p. 1).

c. John Joe Sark, p. 94.

ci. For snapshots of the services provided by the band at various times in recent decades, see publications by Doreen Sark, 1973, and Darlene Bernard, 1983.

cii. Alternative Funding Arrangements were introduced by the Department in June 1986. They are intended to allow bands and councils to exercise greater responsibility for the expenditure of federal money. The band is allowed to set its own priorities and to spend money in accordance with band needs and desires, although minimum program requirements must be met. The council is accountable for its spending decisions primarily to the band members, rather than to the Department of Indian and Northern Affairs and other Federal agencies. For a brief description of these Arrangements, see Department of Indian Affairs and Northern Development, Indian Services Sector, 1989, p. 15.

ciii. See, Canada, Department of Indian Affairs and Northern Development, Annual Report, 1988-89, p. 42; Annual Report, 1989-90, p. 42; Annual Report, 1990-91, p. 48. The AFAs are described as "first", "second", and "third" generation, indicating a gradual evolution of the arrangements.

civ. The school existed since the nineteenth century. In 1886, it had twenty-two ("sometimes 30") pupils. [J.O. Arsenault, Lennox Island Indian Agent, report on education, 1886, Public Archives of Canada, RG 10, Vol 2158, file 32,476.] The school employed local Mi'kmaq teachers for much of its early history, including most of the period between 1900 and 1945; this undoubtedly helped preserve the culture and language of the community. In 1948, in keeping with a regional policy of the Indian Affairs Branch, instruction was turned over to the Sisters of St. Martha, an Island-based teaching order of the Roman Catholic Church. The Band took control of the Wagmatcook Federal School in the 1987-88 fiscal year. See Department of Indian Affairs and Northern Development, Annual Report, 1987-88, p. 56. For a brief history of the often tumultuous history of education on Lennox Island see Hamilton, "Indian Day-school on Prince Edward Island I - Lennox Island", pp. 114-124; McKenna, Micmac by Choice, especially parts of chapters 7, 8, and 9; Hamilton, The Federal Indian Day Schools of the Maritimes, pp. 81-90. Some children from Lennox Island were sent to the residential school at Shubenacadie, Nova Scotia. In fact, in 1938 many families sent their children to the residential school following a bitter dispute between two factions on the reserve; one faction was identified with the teacher at the Lennox Island day school (Hamilton, "Indian Day-schools on Prince Edward Island I" pp. 120-21). Life at the Shubenacadie Indian Residential School is described in Isabel Knockwood's recent book.

cv. The first full-time resident Indian Agent in Lennox Island was appointed in 1945. Prior to that, the reserve was administered by a regional agent. See John Joe Sark, "Underdevelopment of Development on Lennox Island".

cvi. Canada, Department of Indian Affairs and Northern Development, Annual Report, 1986-1987, p. 52.

cvii. For a description of some of the early ventures in economic development see Bernard, pp. 13-16.

- cviii. "Two Indian Bands Now in Province", Guardian (Charlottetown), 21 April 1972, p. 5.
- cix. John Joe Sark, "Overview of the Aboriginal People of Prince Edward Island", p. 94.
- cx. See, Canada, Department of Indian Affairs and Northern Development, Annual Report, 1988-89, p. 42; Annual Report, 1989-90, p. 42; Annual Report, 1990-91, p. 48. The AFAs are described as "first", "second", and "third" generation, indicating a gradual evolution of the arrangements.
- cxii. Hamilton, "Indian Day Schools on Prince Edward Island II - Rocky Point", pp. 125-127.
- cxiii. The Director of Policy, Planning and Evaluation for the provincial Department of Health and Social Services indicated in a letter to the author, dated 22 December 1993, that "the status Indians residing in locations other than Lennox Island tend to utilize our programs and services. The Lennox Island Band, with federal funding support, administers many of its own programs and residents of that Reserve tend to utilize their own programs."
- cxiiii. Periodically such complaints become public knowledge and draw the attention of the mass media. Thus, on 13 November 1993, the Guardian (Charlottetown) ran a front page article ("Bernard put of by cold attitude") about a non-Indian women, married to a status Indian and resident on one of the Abegweit Band's reserves, who could not qualify for provincial social assistance because the Band Council refused to provide her with a document indicating to the provincial government that she was not already in receipt of social assistance from the Band.
- cxv. "The Covenant Chain", in Richardson, pp. 75-76.
- cxvi. Interview with John Joe Sark, Keptin, Grand Council of the Mi'kmaq Nation.
- cxvii. The Grand Council's international claims and complaints against the Government of Canada was reproduced as "M'Kmaq Nationimouw, New: On Violations", in Ontario Indian, vol. 4, no. 2, February 1981, pp. 24-29.
- cxviii. Mr Sark has been a Keptin in the Grand Council for a number of years. However, his local influence predates his formal association with the Grand Council. He has also been a member of the Lennox Island Band Council and an Indian Act Liaison Officer.
- cxix. See, for example, "Premier's comment irks John Joe Sark", Guardian (Charlottetown), 8 March 1988, p. 2; "Racial discrimination subtle but growing", Guardian (Charlottetown), 2 September 1989, p. 1. Mr Sark has been interviewed by local CBC reporters so many times that one reporter sees him as "the only one speaking out" (Muspratt, p. 103).
- cx. The author is grateful to an anonymous reader of this paper who provided information about the Atlantic Policy Congress of First Nation Chiefs and the St. John River Valley Tribal Council.
- cxii. See Whiteside, p. 8.

cxxi. "Aboriginal Women's Association", Gigmanag (NCPEI Newsletter), vol. 7, #12, December 1982, p. 4.

cxxii. In his listing of "Major Political Voluntary Associations by Province or Territory", Don Whiteside (p. 8) had no listings for Prince Edward Island, other than a note to the effect that the Union of New Brunswick Indians includes P.E.I. In their summary of provincial aboriginal voluntary associations, Vic Satzewich and Terry Wotherspoon (p. 229) show that P.E.I. was the last province to have a provincial aboriginal association. They also show that P.E.I. has the fewest such associations -- only one, the NCPEI.

cxxiii. Gross, pp. iv-v.

cxxiv. A non-native activist who has been working with the native community in Prince Edward Island for many years suggested to the author that many individuals in the aboriginal communities get along quite well -- to the extent that it can be seen as a single community -- but the leaders of the two Bands and the NCPEI find it impossible to work together.

cxxv. The Lennox Island Band joined the Union of New Brunswick Indians in 1978. See "Lennox Island Band Seeks N.B. Union Affiliation", Guardian (Charlottetown), 12 July 1978, p. 2.

cxxvi. John Joe Sark, "Overview of the Aboriginal People of Prince Edward Island", p. 95. In the 1970s, the National Indian Arts and Crafts Corporation had funded the P.E.I. Indian Arts and Crafts Corporation, but funding for this organization was suspended in 1979. See "Bryanton, Sark clash on funding", Guardian (Charlottetown), 10 January 1991, p. 6.

cxxvii. "Bryanton, Sark clash on funding", Guardian (Charlottetown), 10 January 1991, p. 6.

cxxviii. It should be pointed out that two small islands, Hog and George, that are generally counted as part of the Lennox Island Band are actually jointly owned by the two bands. However, these islands have no residents and support little economic activity. As far as the author knows they have not been the subject of either inter-band conflict or inter-band cooperation. See Bernard, p. 1.

cxxix. For example, there has been no joint action like that between the Union of Nova Scotia Indians and the Native Council of Nova Scotia that led, in 1987, to the publication of The Mi'kmaq Treaty Handbook (Native Communications Society of Nova Scotia, September 1987).

cxix. "Council not true representative Island Indian spokesman stresses", The Guardian, Charlottetown, 6 January 1988, p. 2.

cxixi. This point was emphasised in an interview by Mr. Graham Tuplin, President, NCPEI.

cxixii. There are real differences in the levels of support provided to the Bands and the NCPEI. To cite just one example, funding for the Alcohol and Drug Abuse Program on Lennox Island includes money for training and certification of counsellors; funding for the similar program run by the NCPEI does not. Interviews, Mr. Graham Tuplin, President, NCPEI, and Mr. Gary Tuplin,

director of NCPEI Alcohol and Drug Abuse Program, 16 December 1993.

cxxxiii. Canada, Federal Provincial Relations Office, Federal-Provincial Programs and Activities, A Descriptive Inventory, various years.

cxxxiv. "Justice Council Meeting," Gigmanag, vol. 2, no. 3, March 1977.

cxxxv. This point was made in interviews with the author by both Tom Connor of the NCPEI (13 December 1993) and Graham Tuplin, President of the NCPEI (16 December 1993).

cxxxvi. See, for example, "Band Chief Takes Exception to Statements", The Guardian, Charlottetown, 6 December 1979, p. 2.

cxxxvii. Letter from Keith Milligan, Minister of Education and Human Resources, to John Crossley, 20 December 1993.

cxxxviii. Letter from Keith Milligan, Minister of Education and Human Resources, to John Crossley, 20 December 1993. Both the Native Council of P.E.I. and John Joe Sark of the Grand Council of the Mi'kmaq Nation, have argued that the curriculum in the province's schools should include more about the Mi'kmaq nation, its culture and history, and its contributions to Island life. See, for example, "Schools Should Teach Contributions of Indians", The Guardian, 9 September 1986, p. 1.

cxxxix. At least fifteen schools in the province have Mi'kmaq students whose tuition is paid by one of the bands. See Frideres, p. 176.

cxl. Letter to the author from Douglas Cudmore, Deputy Minister, Health and Social Services, 17 December 1993,

cxli. Ward, at. 15, points out that few registered or status Indians were available for adoption in P.E.I. and that the Indian children who were adopted by non-Indians tended to be those who had "no special Indian identification".

cxlii. Interview with Steven McQuaid and George Likely, 16 December 1993.

cxliii. The staff of the P.E.I. Collection at the Robertson Library, U.P.E.I., were unable to find sources that would indicate the Ministers responsible for Native Affairs over the years.

cxliv. Gigmanag, February 1977, p. 4.

cxlv. "Interview with Catherine Callbeck", Gigmanag, February 1977, p. 4.

cxlvi. In an interview, Eldon Jamieson, official responsible for native affairs from the early 1980s to 1988, indicated that this was the major and first factor motivating provincial concern.

cxlvii. Crossley, Review and Discussion Document on Native Issues. The document was to have

been used as the basis for meetings between the consultant and Ministers and senior officials, as part of Ms Anthony's attempt to increase the awareness of decision-makers about aboriginal issues. However, when Ms Anthony left Policy Board, this initiative ended.

cxlviii. "Native Rights Meeting Splits Island Indians", The Guardian, Charlottetown, 7 March 1983, p. 1.

cxlix. James Sark, quoted in "Lee Not Representing Us Indian Chief Sark Stresses", The Guardian, 16 April 1985.

cl. Hon. Joseph Ghiz, Premier of Prince Edward Island, "Statement to the First Ministers' Conference on Aboriginal Constitutional Matters", Thursday, 26 March 1987, Ottawa, p. 12; See also "Give aboriginal people better deal Premier Ghiz tells Ottawa meeting", The Guardian, Charlottetown, 27 March 1987, p. 3.

cli. No reference to Indians was made in any documents relating to the entry of P.E.I. into Confederation. The Island joined upon the condition of equality with other provinces, which meant that the federal government assumed responsibility for Indians and lands reserved for Indians. See Clark, pp. 116-117.

clii. The tangential involvement of the provincial government with Indian affairs during the nineteenth century is shown in the area of education. The school on Lennox Island was operated by the Department of Indian Affairs. Before 1882, the province had no responsibility for or relationship with this school. In 1881, the Secretary of State for Canada asked the provinces to extend school inspections to Indian reserves, which the province began to do in 1882. (The federal government's request to the province of P.E.I. was dated 28 April 1881. On 26 December 1882, the P.E.I. Executive Council ordered the Inspector of Schools for the Western Division to inspect the Indian school at Lennox Island regularly and report every inspection directly to the Department of Indian Affairs. See Minutes of Executive Council, M570, 26 December 1882, Public Archives of Prince Edward Island.) Until the 1960s, when the federal government began to integrate status Indians into provincial schools, the inspection of the Lennox Island school was the full extent of the involvement of the province in Indian education.

cliii. From the motion in the Legislative Assembly establishing the Commission on the Quality of Life; reproduced at p. 1 of the Report of the Commissioner.

cliv. Prince Edward Island, Report of the Welfare Assistance Review Committee. The Native Council of Prince Edward Island presented a brief to the Review Committee.

clv. Prince Edward Island, Royal Commission on the Land.

clvi. "Focus on the Land: Preparing for the Royal Commission -- Final Report of the Institute of Island Studies", Appendix A, Appendices: Volume 2, Report of the Royal Commission on the Land, Queen's Printer, Charlottetown, August 1990, pp. 25-26.

clvii. Interview with Mr George Likely, official responsible for native affairs, 16 December 1993.

clviii. Interview with Mr Graham Tuplin, 16 December 1993.

clix. Memorandum from Richard Higgins to George Egan, 30 July 1971, concerning "Provincial Premiers' Conference - Indian Affairs"; in files of Rural Development Council, file labelled "Indians".

clx. See "Remarks by Premier Joseph Ghiz on Aboriginal Self-Government and the Canadian Constitution", Tuesday, 14 January 1992, Faculty of Law, University of Ottawa; See also "Presentation by Honourable Paul Connolly to the Royal Commission on Aboriginal Peoples", Charlottetown, 5 May 1992.

clxi. See statements by Premier James Lee at First Ministers' Conferences, 15-16 March 1983, 8-9 March 1984, and 1985.

clxii. "In this program Natives have same rights as others", Gigmanag, vol. 3, no. 3, March 1978, p. 12.

clxiii. "Province Refuses Funding", Gigmanag, vol. 1, no. 1, February 1976, p. 1; "Metis, Non-Status Indian Group Upset With Lack Of Trip Money", The Guardian, Charlottetown, 5 February 1976, p. 5; "Deputy Minister Explains Reason For Not Funding Trip", The Guardian, 7 February 1976, p. 5. The Deputy Minister's explanation was that his Department "has no appropriation whatever for native affairs."

clxiv. "Province Refuses Funding", Gigmanag, vol. 1, no. 8, September 1976, p. 1.

clxv. "Non-status Indians Present Cabinet Brief", The Guardian, Charlottetown, 9 August 1974.

clxvi. Interview with Mr Graham Tuplin, 16 December 1993.

clxvii. Mr. Ghiz took a great personal interest in aboriginal rights and was, in general, very supportive of minority rights in Prince Edward Island

clxviii. In 1986, the province provided a "Constitutional Research Grant" to the Native Council of Prince Edward Island to help it prepare for the 1987 First Ministers' Conference. In the 1986-87 fiscal year, it also provided a small grant to the NCPEI for "Self-determination Preparedness".

clxix. For a summary of the history of federal and provincial election laws as applied to Indians, see Bartlett, "Citizens Minus" pp. 163-194.

clxx. In fact, the retention of the Councillor and Assemblyman distinction has had two practical impacts. First, as long as the protestant-Roman Catholic cleavage remained relevant in Island politics, it allowed political parties to manipulate nominations and electoral battles to neutralize its impact. Second, clearly separating the two seats in a dual-member constituency ensured that each candidate campaigned against only the candidate for the other party, not his/her party colleague.

See Russell-Clark, "Island Politics", pp. 308-310.

clxxi. Definitions and qualifications of electors are taken from "The Elections Act", Chapter 48, Revised Statutes of Prince Edward Island, 1951. The definitions are essentially unchanged from those found in the 1893 legislation, although the special consideration given to war veterans was added in 1919. See MacKinnon, pp. 215-217.

clxxii. Prince Edward Island, Report of the Commission on Electoral Reform, March 1962.

clxxiii. Russell Clark, "The Franchise in Prince Edward Island and its relation to Island politics and other political institutions".

clxxiv. Russell-Clark, "The Franchise in Prince Edward Island and its relation to Island politics and other political institutions". Clark goes so far as to claim (at p. 29) that the franchise for Assemblyman was "complete" (universal adult) by 1931! In fairness to Russell-Clark, however, it should be noted that neither the exclusion of Indians from the provincial franchise nor the extension of that franchise to them is mentioned in either of the two "standard" works on P.E.I. history and politics (Bolger's and MacKinnon's). The aboriginal people in the province seem to have been truly irrelevant.

clxxv. Bartlett, Indians and Taxation in Canada, pp. 100 and 103.

clxxvi. Bartlett, Indians and Taxation in Canada, p. 100.

clxxvii. "Indian Exemption Planned", press release, Island Information Services, 13 January 1978.

clxxviii. "Ten-year Battle for Native Rights Here Ends on 'Unlucky' Day", Gigmanag, vol. 3, #1, January 1978, p. 1.

clxxix. The Guardian, Charlottetown, P.E.I., 29 March 1977, p. 1. Unfortunately, it is not possible to assess the nature of this battle. One chief named specifically in the Gigmanag article, James Sark of the Abegweit Band, refused to be interviewed for this paper. No one who was interviewed recalled this as a significant episode in Mi'kmaq-government relations.

clxxx. Hawthorne, p. 207.

clxxxi. Ovens, p. 2. Provincial willingness to accept responsibility was most evident in Ontario, where some provincial services were extended to status Indians on reserve as early as 1956. See Indian Affairs Branch, Annual Report, 1956, p. 48.

clxxxii. Indian Affairs Branch, Annual Report, 1963, pp. 7 and 21.

clxxxiii. Indian Affairs Branch, Annual Report, 1963-64, pp. 7 and 21.

clxxxiv. Ovens, p. 13.

clxxxv. See "Report of Proceeding -- Federal-Provincial Conference on Indian Affairs", Ottawa, October 29 and 30, 1964. The clear leaders among the provinces at this conference were Saskatchewan, Quebec, Alberta, Manitoba, and Ontario, which all presented detailed briefs on several aspects of Indian Affairs. Contributions from P.E.I. were limited to two verbal interjections by the Minister of Welfare and Labour who, both times, argued that the real concern in P.E.I. was education, not welfare. He claimed that the Indian Affairs Branch had been looking after the Lennox Island Band very well, but that the Indians living off reserves needed to be moved into communities so the children could be put into proper schools (p. 11). Later, he argued that the Day School on Lennox Island should be closed and the children sent to provincial schools. Indeed, he argued that the whole population of Lennox Island should be moved to the mainland where economic opportunities would be more abundant (p. 46).

clxxxvi . Federal-provincial Working Group on Indian Health, Prince Edward Island, Federal-Provincial Study of Indian Health Problems, August 1974 (P.E.I. Collection, Robertson Library, UPEI).

clxxxvii. Ovens, p. 14.

clxxxviii . Under informal agreements between the federal and provincial governments, the province had for some time been compensated for providing child welfare services to status Indians. In fact, in 1981, 25 of the 233 children (10.7%) in the care of the provincial Department of Health and Social Services were aboriginal (14 status Indians and 11 non-status Indians). See Johnston, p. 49.

clxxxix. Canada, Federal-Provincial Relations Office, Government of Canada, Federal-Provincial Programs and Activities, A Descriptive Inventory, 1991-92, p. 17-7.

cx. Canada, Federal-Provincial Relations Office, Federal-Provincial Programs and Activities, A Descriptive Inventory, 1976-77 to 1981-82. The circumstances surrounding the ending of provincial involvement were related during interviews with Mr Graham Tuplin (President, Native Council of Prince Edward Island) and Tom Connor (Native Council of Prince Edward Island).

cxci. Canada, Department of Regional Economic Expansion, Development Plan for Prince Edward Island, Queen's Printer for Canada, 1970, p. 27. The Lennox Island Band was the only band in the Province in 1970. It reveals the prevailing federal and provincial attitude of 1970 that no consideration was given to making special provisions for off-reserve or non-status Indians. Of course, off-reserve and non-status Indians had not yet organized.

cxcii . The files of the Rural Development Council contain minutes from "A Meeting of Federal/Provincial Committee on Indians" on 8 September 1970. On the same day, this committee met with federal and provincial housing authorities to discuss the extension of funding under two housing projects to the members of the Lennox Island Band. This researcher does not know whether or not the committee met again; the RDC files contain no other minutes, but such minutes may not have been saved by RDC workers. On 7 October 1971, the Deputy Minister of the Department of Development wrote to Urbain LeBlanc of the RDC asking him to suggest a person

to act as the secretary for the Federal-Provincial Working Group on Indians.

cxci. The author of this paper had access to Rural Development Council and Department of Development archives as part of a history of the Rural Development Council, undertaken with Mr. Michael O'Grady for the Institute of Island Studies at the University of Prince Edward Island.

cxcii. "New Image is Seen on Lennox Island", The Guardian, Charlottetown, 3 July 1970, p. 12.

cxci. Thus, Ken Dunn of the RDC drafted the job descriptions and "Rules and Regulations" of the cooperative.

cxcii. That this belief continues to influence public policy in the 1990s can be seen in the public furore that arises whenever the Irving family of New Brunswick seeks to purchase agricultural land in Prince Edward Island. In fact, the province limits by law the amount of land that can be owned by any one corporation. Fear that Islanders might once again lose control of their land pervaded many of the presentations made to the hearings of the provincial Royal Commission on the Land, which reported in October 1990.

cxci. One of the few non-aboriginal groups to try to influence public opinion and public policy on behalf of aboriginal peoples was the Charlottetown Christian Council, which proposed the establishment of a task for "to study the problems of the native peoples of P.E.I." See "Task force studies P.E.I. native ills," The Patriot, Charlottetown, 26 October 1982, p. 3.

cxci. "Constitution of the Mi'kmaq Commonwealth", confidential working draft no. 4, 21 April 1992.

cxci. Interview with Mr George Likely, P.E.I. Official Responsible for Native Affairs, and Mr Steven McQuaid, former Official Responsible for Native Affairs, 16 December 1993.

cc. Memorandum to Hon. Wayne Cheverie, Minister Responsible for Native Affairs, from Nancy Hughes Anthony, Assistant Secretary - Intergovernmental Relations, 23 January 1989.

cci. "Tripartite Talks Begin", Gigmanag, vol. 10, no. 29, December 1986, p. 1.

ccii. Interview with Mr. Tom Connor, negotiator for NCPEI in the tripartite process, 13 December 1987.

cciii. "Statement on Objectives for Off-reserve Aboriginal Peoples Self-government Tripartite Negotiations in Prince Edward Island," 4 February 1988.

cciv. This summary of the Tripartite Process is based upon interviews with the following individuals who have participated in the process: Mr Tom Connor, Mr Graham Tuplin, Mr Eldon Jamieson, Mr Steven McQuaid, and Mr George Likely.

ccv. Interview with Eldon Jamieson, 16 December 1993.

- ccvi. Interview with Graham Tuplin, 16 December 1993.
- ccvii. Interview with Mr. Paul Connolly, 17 December 1993.
- ccviii. Interview with Mr Steven McQuaid, 16 December 1993.
- ccix. Prince Edward Island, Royal Commission on the Land, Volume 2, p. 25.
- ccx. See: Tanner and Henderson; Ayers, p. 45.
- ccxi. Canada, Department of Indian Affairs and Northern Development, Outstanding Business: A Native Claims Policy, p. 31.
- ccxii. The aboriginal fishery in the Maritimes is discussed at some length in Mi'kmaq Fisheries, Towards a Better Understanding, a booklet published in 1993 by the Native Council of Nova Scotia, with contributions from the Union of Nova Scotia Indians, the Mi'kmaq Grand Council, and the Department of Fisheries and Oceans.
- ccxiii. See the following articles in The Guardian, Charlottetown: "Lobster trap limit violates act - Sark" (13 August 1993, p. 2); "Small group of natives violates DFO rules" (18 August 1993, p. 1); "Fishermen rage over violations" (24 August 1993, p. 6); "DFO checks fishing charges; talks ongoing with native band" (28 August 1993, p. 1); "Natives demand DFO action" (28 August 1993, p. 1); "Fishery problems blames on DFO" (30 August 1993, p. 4); "Native fishery seeks deal: Lennox Island, DFO engage in talks" (1 September 1993, p. 1); "Native group hires lawyer to fight DFO" (4 September 1993, p. 1).
- ccxiv. Interview with Graham Tuplin, 16 December 1993.
- ccxv. The story of this offer is reconstructed from interviews with Graham Tuplin, Tom Connor, Steven McQuaid, George Likely, and Paul Connolly.
- ccxvi. One provincial official suggested that Mr Steele was the main initiator of this proposal, although Mr Ghiz was quite amenable to it.
- ccxvii. Letter from Mr Keith Milligan, Minister of Education and Human Resources, to John Crossley, 20 December 1993.
- ccxviii. "Grand Opening", Gigmanag, vol. 13, no. 6, June 1989, p. 1.
- ccxix. This was reported in interview with Graham Tuplin and Tom Connor of the Native Council of Prince Edward Island.
- ccxx. Based on interviews with Graham Tuplin and Tom Connor, Native Council of Prince Edward Island.
- ccxxi. The author sees no major problem with the creation of more than one set of agencies for

aboriginal government. After all, the dominant society has created a multiplicity of governments and agencies, which seem to work well enough. However, there are bound to be some services that are best delivered on provincial or regional basis. Such services will tax the capacity for cooperation among the aboriginal political organizations.

ccxxii. All provincial officials interviewed for this paper agreed that contact between the province and aboriginal peoples is almost always initiated by the aboriginal people.

ccxxiii. Interviews with Eldon Jamieson, George Likely, Steven McQuaid, Tom Connor, Graham Tuplin. Graham Tuplin reported that Steven McQuaid was supportive of NCPEI proposals concerning training of provincial public servants, but it was not possible to generate any provincial action. Eldon Jamieson recalled NCPEI proposals from the early to mid-1980s about training and educating public servants about aboriginal issues and culture. He also recalled an NCPEI proposal about leadership training.

## **Bibliography**

- Ayers, Nancy E., "Aboriginal Rights in the Maritimes," Canadian Native Law Reporter, University of Saskatchewan Native Law Centre, Saskatoon, 1984, no. 2.
- Baldwin, Douglas, Land of the Red Soil: A Popular History of Prince Edward Island, Ragweed Press, Charlottetown, 1990.
- Bartlett, Richard, "Citizens Minus: Indians and the Right to Vote," Saskatchewan Law Review, vol. 44, 1980.
- Bartlett, Richard, Indian Reserves and Aboriginal Lands in Canada: A Homeland, University of Saskatchewan Native Law Centre, Saskatoon, 1990.
- Bartlett, Richard, Indian Reserves in the Atlantic Provinces of Canada, Studies in Aboriginal Rights No. 9, University of Saskatchewan Native Law Centre, Saskatoon, 1986.
- Bartlett, Richard, Indians and Taxation in Canada, third edition, University of Saskatchewan Native Law Centre, Saskatoon, 1992.
- Bernard, Darlene, "Community Profile: Lennox Island, P.E.I.," Lennox Island Band Council, 1983.
- Campbell, Duncan, History of Prince Edward Island, Bremmer Brothers, Charlottetown, 1875.
- Canada, Department of Indian Affairs and Northern Development, Annual Reports, 1986-87, 1987-88, 1988-89, 1989-90, and 1990-91.
- Canada, Department of Indian Affairs and Northern Development, Indian Services Sector, Ottawa, 1989.
- Canada, Department of Indian Affairs and Northern Development, Outstanding Business: A Native Claims Policy, Ottawa, 1982.
- Canada, Department of Indian Affairs and Northern Development, Schedule of Indian Bands, Reserves and Settlements, Ottawa, June 1987.

- Canada, Department of Regional Economic Expansion, Development Plan for Prince Edward Island, Queen's Printer for Canada, Ottawa, 1970.
- Canada, Federal-Provincial Relations Office, Federal-Provincial Programs and Activities, A Descriptive Inventory, annual publication, various volumes, 1976-77 to 1991-92.
- Canada, Indian Treaties and Surrenders, from 1680 to 1890, in two volumes, Queen's Printer, Ottawa, 1891 (facsimile edition, Coles Canadiana Collection, 1971).
- Clark, Bruce, Native Liberty, Crown Sovereignty: The Existing Aboriginal Right of Self-government in Canada, McGill-Queen's University Press, Montréal and Kingston, 1990.
- Courchene, Thomas and Lisa M. Powell, A First Nations Province, Institute of Intergovernmental Relations, Queen's University, Kingston, 1992.
- Crossley, John, "The Making of Canadian Indian Policy to 1946," Phd Dissertation, Department of Political Science, University of Toronto, 1987.
- Crossley, John, Review and Discussion Document on Native Issues, prepared for the Minister Responsible for Native Affairs, Government of Prince Edward Island, March 1989.
- Davis, Stephen A., People of the Maritimes: The Micmac, Four East Publications, Tantallon, Nova Scotia, 1991.
- Dickason, Olive P., Canada's First Nations: A History of Founding Peoples from Earliest Times, McClellan and Stewart, Toronto, 1992.
- Frideres, J.S., Native Peoples in Canada, 3rd edition, Prentice-Hall Canada, Scarborough, 1988.
- Gigmanag (journal of the Native Council of Prince Edward Island), various issues.
- Gould, Gary P., and Alan J. Semple, eds., Our Land: The Maritimes -- The Basis of the Indian Claim in the Maritime Provinces of Canada, Saint Annes Point Press, Fredericton, New

- Brunswick, 1980.
- Grand Council of the Mi'kmaq Nation, "Constitution of the Mi'kmaq Commonwealth," confidential working draft no. 4, 21 April 1992.
- Grant, John Webster, Moon of Wintertime: Missionaries and the Indians of Canada in Encounter since 1534, University of Toronto Press, Toronto, 1984.
- Gross, Frederic, Preparing a Future: A Study of the Micmac Indians of the Lennox Island Reserve, a report prepared under the terms of a contract between the Indian Affairs Branch and St. Dunstan's University, Charlottetown, July, 1969.
- The Guardian, Charlottetown, various issues.
- Hamilton, W.D., The Federal Indian Day Schools in the Maritimes, Fredericton, New Brunswick, 1986.
- Hamilton, W.D., "Indian Day Schools on Prince Edward Island I -- Lennox Island", Abegweit Review, Spring 1993, The Mi'kmaq.
- Hamilton, W.D., "Indian Day Schools on Prince Edward Island II -- Rocky Point", Abegweit Review, Spring 1993, The Mi'kmaq.
- Hamilton, W.D., and W.A. Spray, Source Materials Relating to the New Brunswick Indian, Hamray Books, Fredericton, New Brunswick, 1977.
- Hawthorn, H.B., et al., A Survey of the Contemporary Indians of Canada: A Report on Economic, Political, and Educational Needs and Policies, volume 1, Ottawa, October 1966.
- Johnson, Darlene, The Taking of Indian Lands in Canada, Consent or Coercion?, University of Saskatchewan Native Law Centre, Saskatoon, 1989.
- Johnston, Patrick, Native People and the Child Welfare System, Canadian Council on Social Development and James Lorimer & Company, Toronto, 1983.

- Knockwood, Isabelle, Out of the Depths: The Experiences of Mi'kmaw Children at the Indian Residential School at Shubenacadie, Nova Scotia, Roseway Publishing, Lockeport, Nova Scotia, 1992.
- Lautard, Hugh, An Overview of Registered Indian Conditions in New Brunswick and Prince Edward Island, Department of Indian Affairs and Northern Development, 1987.
- Law Reform Commission of Canada, Native Offenders and the Law, Ottawa, 1974.
- Maloney, John H., "The First Centuries: 'And in the beginning...'", in F.W.P. Bolger, ed., Canada's Smallest Province, P.E.I. Centennial Commission, Charlottetown, 1973.
- MacEachern, Alan Andrew, "The Bump of Benevolence: Theophilus Stewart and the Micmac of Prince Edward Island," Honours Graduating Essay, History Department, University of Prince Edward Island, undated.
- MacEachern, Alan Andrew, "Theophilus Stewart and the Plight of the Micmac," The Island Magazine, Number 28, fall/winter 1990.
- MacKinnon, Frank, The Government of Prince Edward Island, University of Toronto Press, Toronto, 1951.
- McKenna, Sister Olga, "Indian-White Relations on Prince Edward Island, 1492-1992: A Clash of Cultures", The Abegweit Review, Spring 1993, The Mi'kmaq.
- McKenna, Sister Olga, Micmac By Choice: Elsie Sark, An Island Legend, Formac Publishing, Halifax, 1990.
- McMahon, Nancy, "Benevolence from Afar: The Aborigines Protection Society and the Lennox Island Indian Reserve," The Archivist, November-December 1985.
- Miller, J.R., Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada, revised edition, University of Toronto Press, Toronto, 1989.

- Miller, Virginia, "The Micmac: A Maritime Woodland Group," in R.B. Morrison and C.R. Wilson, eds.; Native Peoples: The Canadian Experience, McClelland and Stewart, Toronto, 1986.
- Muspratt, Beryl, "John Joe Sark, You're Looking Good," Abegweit Review, Spring 1993, The Mi'kmaq.
- Native Council of Nova Scotia (with the Union of Nova Scotia Indians, the Mi'kmaq Grand Council, and the Department of Fisheries and Oceans), Mi'kmaq Fisheries, Toward a Better Understanding, 1993.
- Native Council of Prince Edward Island, Our Struggle for a Better Future, Charlottetown, 1993.
- Obertle, Peter R., The Incidence of Family Poverty on Canadian Indian Reserves, Quantitative Analysis and Socio-demographic Research, Management Information and Analysis Branch, Department of Indian Affairs and Northern Development, January 1993.
- Ovens, J.T.M., "Federal-Provincial Relations in Indian Affairs: A Report on Highlights of Provincial Positions Regarding Status Indians," Corporate Policy Branch, Department of Indian Affairs and Northern Development, October 1979.
- Patterson, E. Palmer, II, The Canadian Indian: A History Since 1500, Collier Macmillan, Don Mills, Ontario, 1972.
- Paul, Daniel N., We Were Not the Savages, Nimbus Publishing, Halifax, 1993.
- Pellissier, Louis, "The Native People of Prince Edward Island", in Exploring Island History [?].
- Prince Edward Island, Acts of the General Assembly of Prince Edward Island, from 1853 to 1862, Vol. II.
- Prince Edward Island, Dignity, Security, and Opportunity: A Report of the Welfare Assistance Review Committee, Queen's Printer, Charlottetown, 1989.
- Prince Edward Island, Federal Provincial Working Group on Indian Health, Federal-Provincial

- Study of Indian Health Problems, August 1974.
- Prince Edward Island, Journals of the House of Assembly, various dates.
- Prince Edward Island, Journals of the Legislative Assembly, various dates.
- Prince Edward Island, Report of the Commission on Electoral Reform, Queen's Printer, Charlottetown, March 1962.
- Prince Edward Island, Report of the Commissioner on the Quality of Life, Queen's Printer, Charlottetown, 1984.
- Prince Edward Island, Revised Statutes of Prince Edward Island, 1951.
- Prince Edward Island, Royal Commission on the Land, "Everything Before Us": Volume One of the Report of the Royal Commission on the Land and Appendices: Volume Two of the Report of the Royal Commission on the Land, Queen's Printer, Charlottetown, 1990.
- Prince Edward Island, Island Information Services, Statements by various Premiers of Prince Edward Island to First Ministers Conferences on the Constitution, 1982-1987.
- Purich, Donald, Our Land: Native Rights in Canada, James Lorimer and Company, Toronto, 1986.
- Richardson, Boyce, ed., Drum Beat: Anger and Renewal in Indian Country, Summerhill Press and the Assembly of First Nations, Toronto, 1987.
- Russell-Clark, Marlene, "The Franchise in Prince Edward Island and its relation to Island politics and other political institutions," MA Thesis, Dalhousie University, Halifax, 1968.
- Russell-Clark, Marlene, "Island Politics," in F.W.P. Bolger, ed., Canada's Smallest Province, P.E.I. Centennial Commission, Charlottetown, 1973.
- Sark, Doreen, "The Micmac People of Lennox Island, A Learning Kit," Lennox Island Band Council, 1973.
- Sark, John Joe, "Native Outrage," Islandside, vol. 2 no. 8, October 1990.

- Sark, John Joe, "Overview of the Aboriginal People of Prince Edward Island," Abegweit Review, Spring 1993, The Mi'kmaq.
- Sark, John Joe, "Underdevelopment of Development on Lennox Island," unpublished undergraduate essay, P.E.I. Collection, Robertson Library, U.P.E.I., November 1974.
- Satzewich, Vic, and Terry Wotherspoon, First Nations: Race, Class, and Gender Relations, Nelson Canada, Scarborough, 1993.
- Stagg, Jack, "Anglo-Indian Relations in North America to 1763 and an Analysis of the Royal Proclamation of 7 October 1763", Historical Background Report, Treaties and Historical Research Branch, Department of Indian Affairs and Northern Development, Ottawa.
- Statistics Canada, Statistics Canada Daily, Tuesday, 30 March 1993.
- Tanner, Adrian, and Sakej Henderson, "Aboriginal Land Claims in the Atlantic Provinces," in Ken Coates, ed., Aboriginal Land Claims in Canada: A Regional Perspective, Copp Clark Pitman, Toronto, 1992.
- Trigger, Bruce, Natives and Newcomers: Canada's 'Heroic Age' Reconsidered, McGill-Queen's University Press, Montréal and Kingston, 1985.
- Union of Nova Scotia Indians and Native Council of Nova Scotia, The Mi'kmaq Treaty Handbook, Native Communications Society of Nova Scotia, September, 1987.
- Upton, L.F.S., "Indians and Islanders: The Micmacs in Colonial Prince Edward Island", Acadiensis, vol 6 no. 1, autumn 1976.
- Upton, L.F.S., Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867, University of British Columbia Press, Vancouver, 1979.
- Upton, L.F.S., "Thomas Irwin: Champion of the Micmacs," The Island Magazine, Number 3, Fall/winter 1977.

VanWart, Arthur, "The Indians of the Maritime Provinces, Their Diseases and Native Cures,"  
Canadian Medical Association Journal, vol. 59, December 1948.

Ward, Margaret, The Adoption of Native Canadian Children, Highway Bookshop, Cobalt, Ontario,  
1984.

Whiteside, Don, Historical Development of Aboriginal Political Associations in Canada:  
Documentation, National Indian Brotherhood, Ottawa, 1973.

Zonta Club of Charlottetown, A Century of Women, Dillon Printing Company, Charlottetown,  
undated.

Relations between the Province and Aboriginal Peoples in  
Prince Edward Island

John Crossley  
Department of Political Studies  
University of Prince Edward Island  
March 1995

**Tables**

Table 4: Summary of Projects and Programs run by Native Council of Prince Edward Island

Program/Project	Description	Dates started/ended	Current Status	Source of Funding
Tripartite Negotiations.	Meetings with provincial and federal officials to discuss components of self-government.	1987 in current form; on-going.	On-going; agenda shaped by NCPEI.	Fed/Prov; Provincial share \$37,000.
Constitutional Negotiations	Participation in Constitutional Negotiations on aboriginal rights and government.	1982/1992	Inactive.	See Table III, above.
Self-government preparedness program.	To train four Aboriginal people in government processes.	1986/87/88.	On hold due to lack of funding.	Government of P.E.I./tripartite process.
Land Negotiations Program.	To develop a land base for cultural, social, residential, and economic activities.	Unknown.	On-going.	Tripartite process.
Wokwis Economic Development Corporation	To establish viable business ventures; to enhance self-determination.	1985/on-going.	Largely dormant due to lack of funding and lack of land base.	Originally the Native Economic Development Program.
Other Economic Development	To enhance self-determination.	1990/on-going.	On-going.	Government of P.E.I., Economic Development Fund, \$30,000.
Aboriginal Child Welfare and Family Service Agency	To enhance self-determination.	Proposed only.	Proposed as part of tripartite process.	Federal government agreed to devote Canada Assistance Program funds to this agency; government of P.E.I. did not agree to this.
P.E.I. Mi'kmaq Harvest Management	To implement NCPEI's Food Fishery and Conservation Guidelines.	1991/on-going	On-going.	Department of Fisheries and Oceans.
Alcohol and Drug Abuse Program	Training, prevention, community support, education	1985/on-going.	On-going.	Federal/provincial cost-shared; P.E.I. share \$35,000.

Table 4: Summary of Projects and Programs run by Native Council of Prince Edward Island

Program/Project	Description	Dates started/ended	Current Status	Source of Funding
Nanegkam Housing Corporation	To improve housing for aboriginal people living off-reserve.	1974/on-going.	On-going.	CMHC (various programs); self-financing.
Beaver Construction company	Independent company in home repair market.	1988/on-going.	On-going.	Competitive tendering for repair projects; emphasis is on money from CMHC for repair of Aboriginal housing units; other projects undertaken.
Native Family Support Pilot Project (Nanegham Corporation)	To help low-income families to acquire skills in home management and child care.	1991/on-going.	On-going.	CMHC, Health and Welfare Canada, PEI Health and Social Services.
AIDS Awareness Program	Education.	1991/on-going.	On-going.	Health and Welfare Canada; AIDS PEI.
Native Outreach	To help aboriginal people find lasting employment.	1976/on-going.	On-going.	Employment and Immigration Canada.
Lnuitasik School/Lnuitasik Company	To preserve traditional Mi'kmaq arts and crafts; to provide meaningful employment for aboriginal people. Company markets crafts.	School, 1989/on-going. Company, 1991/on-going.	On-going.	Start-up from Employment and Immigration Canada; operations from P.E.I. Economic Development grant to NCPEI.
Language Retention Program	Classes in Mi'kmaq.	1984/on-going.	On-going.	Secretary of State.
Recreation Program	To improve mental and physical fitness by emphasising traditional recreation.	1976, fitness survey; 1976/1986.	Discontinued when funds terminated.	Employment and Immigration Canada.

Table 4: Summary of Projects and Programs run by Native Council of Prince Edward Island

Program/Project	Description	Dates started/ended	Current Status	Source of Funding
Student Summer Employment	Provided research and project work for six students.	1978 and 1979.	Funding discontinued.	Secretary of State.
Native Cultural Activities Program	To tackle problems of drug and alcohol abuse by restoring cultural pride.	1988/on-going.	On-going.	National Drug Strategy (Community Action Program).
Ankamsi Transition House	To help clients break the cycle of drug and alcohol abuse.	1988/1991.	Terminated by NCPEI due to Provincial insistence that the program be administered by Addiction Services P.E.I.	Start-up funding from National Drug Strategy; mortgage loan from CMHC. Funding from government of P.E.I. contingent upon provincial administration.
Niap-Jij Child Care Centre Project	To operate a child care centre.	1989, curriculum development; 1990, ten-week pilot project.	Terminated due to lack of funding.	\$47,410 for curriculum development and pilot project from Health and Welfare Canada.
Gigmanag Newspaper	Monthly news by and for the aboriginal community.	1977/1990.	Folded when Native Communications Program was terminated.	Secretary of State (Native Communications Program).
Native Courtworkers Program.	To help aboriginal peoples deal with the justice system.	1976/1982	Discontinued by NCPEI and bands; not seen as the most useful use of scarce time and resources.	Federal and provincial departments of justice, cost-shared.
Indian Act Program	To assist individuals applying for status under the provisions of 1985 Bill C-31.	1985/1987.	Funding discontinued in 1987, but NCPEI continues to offer advice to its members.	Federal government.

Table 4: Summary of Projects and Programs run by Native Council of Prince Edward Island				
Program/Project	Description	Dates started/ended	Current Status	Source of Funding
Maritime Provinces Aboriginal Rights and Land Claims Project.	To research basis for rights and land claims.	1977, funding applications developed. 1978/1980 research and writing.	Project completed and published.	Secretary of State via Native Council of Canada.

Sources: Native Council of Prince Edward Island, Our Struggle for a Better Future, (Charlottetown: NCPEI, 1993); various issues of Gigmanag (Charlottetown: NCPEI, periodical); press releases from federal agencies; interviews with P.E.I. officials and aboriginal political leaders in P.E.I.

Table 7 Provincial Agencies and Aboriginal Peoples, a Summary

<u>Agency</u>	<u>Type of Contact</u>	<u>Budget</u>	<u>Personnel</u>
Executive Council (Cabinet)	Minister Responsible for Native Affairs; some contact with NCPEI; no contact with Bands; a minor part of the Minister's duties.	None.	See below under Provincial Affairs.
Executive Council Office	Extensive with NCPEI during Constitutional negotiations. Minimal otherwise.	Grant to NCPEI from 1885-1992 for Constitutional negotiations.	One advisor to Premier during Ghiz government. Otherwise, none.
Department of Agriculture, Fisheries and Forestry	Routine with individuals under programs of general application. No special services or programs. No liaison with aboriginal orgs.	None.	None.
Department of Economic Development and Tourism	Routine with individuals under programs of general application. No special services or programs. No liaison with aboriginal orgs.	None.	None.
Department of Education and Human Resources	Education purchased by Bands from this department. Department provides school books to and some services for teachers at Lennox Island school; but these are programs of general application. No special programs or curriculum for aboriginal students.	None.	None.
Department of Environmental Resources	Fish and Wildlife official monitored discussions between aboriginal organizations and federal Department of Fisheries and Oceans re the aboriginal fishery. Otherwise, routine with individuals under programs of general application. No special services or programs. No liaison with aboriginal organizations.	None.	None.
Office of Government Reform	No known contact with aboriginal organizations.	None.	None.
Department of Health and Social Services	Routine with individuals under programs of general application. No special services or programs. Some services provided on cost-recovery basis to Bands. Child and Family Services division has agreement with Federal government for compensation for services provided to bands. Child and Family Services has a recent history of awareness of and sensitivity to concerns of aboriginal clients.	None.	None.

Table 7 Provincial Agencies and Aboriginal Peoples, a Summary

<u>Agency</u>	<u>Type of Contact</u>	<u>Budget</u>	<u>Personnel</u>
Department of Transportation and Public Works	Routine with individuals under programs of general application. No special services or programs. No liaison with aboriginal orgs.	None.	None.
Department of Provincial Affairs and Attorney General	Provincial official responsible for aboriginal affairs is in this Department. Regular contact exists between this person and the NCPEI. Also, justice component of this department is active in aboriginal justice initiative. Otherwise, contact is routine with individuals under programs of general application. No special services or programs.	Economic Development Grant to NCPEI, \$30,000.  Alcohol and Drug Abuse Program Grant to NCPEI, \$35,000.  Grant to NCPEI to support tripartite negotiations on self-government, \$37,000.	Approximately 15% of one full-time official.
Department of the Provincial Treasury	Routine with individuals under programs of general application. No special services or programs. No liaison with aboriginal orgs.	None.	None.
Advisory Council on the Status of Women	Routine with individuals under programs of general application. No special services or programs. No liaison with aboriginal orgs.	None.	None.
Enterprise P.E.I.	Routine with individuals under programs of general application. No special services or programs. No liaison with aboriginal orgs.	None.	None.
Health and Community Services Agency	Routine with individuals under programs of general application. No special services or programs. No liaison with aboriginal organizations. However, Addiction Services agencies show a pattern of awareness of and sensitivity to needs and concerns of aboriginal clients.	None.	None.
Housing Corporation	Routine with individuals under programs of general application. No special services or programs. No liaison with aboriginal orgs.	None.	None.